

By Mr. KENNEDY of Rhode Island: Petition of Dr. Arthur T. Jones, of Providence, R. I., favoring preserving and strengthening the Medical Reserve Corps of the United States Army; to the Committee on Military Affairs.

By Mr. LESHNER: Petitions of Woman's Christian Temperance Union of 277 people of Berwick; Woman's Christian Temperance Union of 506 people of Orangeville; Lutheran Sunday School of 956 people of Milton; 100 people of Milton; United Brethren Church of Milton; Methodist Episcopal Church of Milton; 60 men of Milton; Woman's Christian Temperance Union of 245 people of Milton; 504 people of Milton; and Methodist Episcopal Church of 500 people of Milton, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS: Memorial of 457 members of labor unions and citizens of Rio Grande, P. R., asking for an investigation of conditions of the island; to the Committee on the Territories.

By Mr. LOUD: Petition of S. M. Pourie, secretary, Bangor Grange, No. 1089, Bay City, Mich., opposing the Madden rider in the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. McKINLEY: Petitions of sundry business men of the State of Illinois, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. MAPES: Petitions of citizens of Grandville, Holland, Cedar Springs, and Sparta, Mich., favoring passage of the Susan B. Anthony amendment, enfranchising the women of the United States; to the Committee on the Judiciary.

By Mr. MORGAN of Oklahoma: Petition from the First Baptist Church Sunday School, Cherokee, Okla., asking for the speedy passage of the Webb-Smith national prohibition resolution, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition from the Sunday School of the Methodist Episcopal Church, Byron, Alfalfa County, Okla., earnestly petitioning for the speedy passage of the Webb-Smith national prohibition resolution, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition signed by 13 citizens of Cherokee, Okla., asking for the speedy passage of the Webb-Smith national prohibition resolution, House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Julian A. Morris, Edward H. Perkins, and 29 other citizens of Wayland, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petitions of 8 firms of Orland and Red Bluff; 12 firms of Yreka; 13 firms of Redding; 3 merchants of Plymouth; 9 firms of Dunsmuir; 10 firms of Corning; Campini & Garibaldi, of Drytown; 12 firms of Grass Valley; 4 firms of Amador City; 12 firms of Nevada City; 12 firms of East Auburn; 8 firms of Lincoln; 6 firms of Sisson; 4 firms of Weed; and 11 firms of Red Bluff, all in the State of California, favoring House bills 270 and 712; to the Committee on Ways and Means.

By Mr. ROGERS: Petition of citizens of Lowell, Mass., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of the United States Steel Corporation of New York, against House bill 9411, the tag bill, relative to number painted on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Real Estate Board of New York and New York Building Managers' Association, favoring appointment of commission to make investigation of the coal situation; to the Committee on Rules.

Also, memorial of the Chamber of Commerce of the State of New York, relative to national defense; to the Committee on Military Affairs.

Also, petition of Abraham Goldfaden Lodge, No. 505, I. O. B. A., against passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the General Federation of Women's Clubs, favoring House bill 8668, to establish a national park service; to the Committee on the Public Lands.

By Mr. SHOUSE: Petition of sundry citizens of Larned, Kans., protesting against passage of House bills 6468 and 491 and similar legislation; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Papers to accompany House bill 12964, granting an increase of pension to Emeline L. Bennett; to the Committee on Invalid Pensions.

Also, petition of Master Printers' Association of Rhode Island, favoring House bill 11621, providing for mailing of catalogues, circulars, etc., at the pound rate of 8 cents; to the Committee on the Post Office and Post Roads.

Also, petition of Providence Branch, No. 35, National Association of Bureau of Animal Industry Employees, favoring the Lobeck bill for the classification of the employees of the Bureau of Animal Industry; to the Committee on Agriculture.

Also, petition of William B. Kimball and others, of Providence, R. I., protesting against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. Arthur T. Jones, of Providence, R. I., advocating the strengthening of the Medical Reserve Corps of the Army; to the Committee on Military Affairs.

Also, petition of Rhode Island Equal Suffrage Association, favoring Susan B. Anthony Federal amendment for woman suffrage; to the Committee on the Judiciary.

Also, petition of Brown Bros. Co., of Providence, R. I., against the passage of Senate bill 3598; to the Committee on Military Affairs.

By Mr. SUTHERLAND: Memorial of 500 citizens of Clarksburg, W. Va., favoring Federal motion picture commission for censorship of motion-picture films; to the Committee on Education.

By Mr. TILSON: Petition of Pastors' Union of New Haven, Conn., urging Congress to prohibit sale of liquor in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Pastors' Union of New Haven, Conn., urging Congress to establish a Federal motion picture commission; to the Committee on Education.

By Mr. WARD: Petition signed by Mrs. Alice E. Stevens, Tillson; Mrs. Helen A. Palmer, Gardiner, James B. Palmer, Plattekill; Elliot F. Soule, jr., Plattekill; J. E. Jenkins, Plattekill; and Joseph Millett, Tillson, all in the State of New York, representing the several churches, in reference to national constitutional prohibition amendment; to the Committee on the Judiciary.

## SENATE.

SATURDAY, April 1, 1916.

(Legislative day of Thursday, March 30, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

### DEATH OF SENATOR SHIVELY.

The VICE PRESIDENT. The Chair lays before the Senate a note of thanks from Mrs. Shively addressed to the Senate of the United States, which will be read.

The Secretary read the note, as follows:

To the Senate of the United States:

Mrs. Shively and the members of her family desire to express their deep appreciation of your sympathy and extend to you their most grateful thanks for a beautiful floral wreath.

### PUBLIC BUILDING AT PARIS, TEX.

Mr. CULBERSON. Mr. President, I ask unanimous consent to report back from the Committee on Public Buildings and Grounds, favorably with amendments, the bill (S. 5270) for a public building or buildings at Paris, Tex., and I submit a report (No. 321) thereon. I desire its present consideration.

Mr. CHAMBERLAIN. If it does not lead to any discussion, I shall not make any objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 4, to strike out the words "appropriated, out of any money in the Treasury not otherwise appropriated" and to insert "authorized to be expended by the Secretary of the Treasury," in line 6 to strike out the words "or buildings," and in line 8, after "Paris," to insert "Texas," so as to make the bill read:

Be it enacted, etc., That the sum of \$200,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be expended by the Secretary of the Treasury, for the purpose of supplying the necessary building for the Federal court, post office, and other Government offices at Paris, Tex.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CULBERSON, the title was amended so as to read: "A bill for a public building at Paris, Tex."

### RECLAMATION - PROJECTS.

Mr. WORKS. Will the Senator from Oregon yield to me just a moment to offer a resolution of inquiry?

Mr. CHAMBERLAIN. I have no objection if it does not lead to discussion.

Mr. WORKS submitted the following resolution (S. Res. 157), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior is directed to furnish the Senate with the following information:

First. The number of reclamation projects completed and under way, giving the name and the location of each of them.

Second. The number of acres being irrigated by each, and separately, the number of acres susceptible of irrigation from the system.

Third. How much of the land that is, or may be irrigated from each of the projects, is public lands and how much held in private ownership.

Fourth. The total number of acres of private lands now being irrigated by each of the projects, and how much of such lands is susceptible of irrigation by each.

#### NATIONAL DEFENSE.

Mr. CHAMBERLAIN. I ask to have the unfinished business laid before the Senate.

The VICE PRESIDENT. It is before the Senate now.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. POMERENE. Mr. President, I desire to speak briefly this morning to the amendment proposed by the Senator from Iowa [Mr. CUMMINS]. On the same day that he gave notice he would offer this amendment I also gave notice that I would offer the amendment, and later I learned that the junior Senator from New York [Mr. WADSWORTH], who likewise had been interested in the subject, had presented substantially the same amendment.

I recognize the fact that there has been a good deal of very learned discussion as to how far the Government may federalize the National Guard. I do not intend to go fully into that question this morning, but suffice it to say that, so far as the pending amendment is concerned, it is not, in my judgment, relevant. Under the Constitution Congress is given this power, among others:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Of course no question can arise after the National Guard has been mustered into the Federal service as to the authority of the Commander in Chief over the National Guard. If the service of the National Guard is desired, and if there be any question as to the authority of the Federal Government to take over the National Guard under the present law, there is no doubt in my mind, first, that the National Guard would have the right to volunteer their services just as they did during the Spanish-American War, and, secondly, if they did not desire to volunteer their services, there is, in my judgment, no question about the authority of Congress to provide for the drafting of the National Guard into that service.

The Senator from Connecticut [Mr. BRANDEGEE] on yesterday introduced into the Record several very learned articles by the former Secretary of War, Mr. Stimson.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. POMERENE. Certainly.

Mr. CLAPP. Does the Senator mean by his expression "drafting the National Guard" that they could be drafted otherwise than as a part of the citizenship of the country subject to draft?

Mr. POMERENE. Oh, no; I do not.

Mr. CLAPP. I supposed not, but I thought the Senator expressed a little doubt.

Mr. POMERENE. I simply mean that Congress could adopt regulations by the terms of which the National Guard could be drafted into the service of the Federal Union.

Mr. CLAPP. Simply because they would be subject to the draft, like everybody else.

Mr. POMERENE. Most assuredly.

Mr. Stimson refers in a very learned way to the difficulties which arose between the militia and the Federal Government during the War of 1812. In brief, the authorities in Massachusetts and Connecticut insisted that the Federal Government did not have the power to call them; that they were subject more immediately to the control of the States than to the Federal Government, and the Supreme Court of Massachusetts sustained that contention. But later on the Supreme Court of the United States, according to the article written by Mr. Stimson, overruled—and, I think, rightly—the position taken by the Supreme Court of the State of Massachusetts.

I think we can agree in this proposition, that while the Federal Government is given the power to organize, arm, and discipline the National Guard, if the Federal Government should refuse to exercise that power the State could exercise it or the State and the Federal authorities could exercise this power

concurrently. But in the event that there should be any conflict as between the two authorities, then it must follow that the Federal authorities would have supremacy.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I yield.

Mr. CUMMINS. I think the Senator from Ohio must have misunderstood the question propounded by the Senator from Minnesota. I desire to call the attention of the Senator from Ohio to the House provision with regard to the authority of the President to draft the National Guard in time of war. It is in section 77. The House provision is:

Sec. 77. That when Congress shall have authorized the use of the armed land forces of the United States in the emergency of actual or imminent war, requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations as he shall prescribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard.

I think it probable that the Senator from Ohio did not intend to say that the House provision in that respect is not valid or not constitutional.

Mr. POMERENE. I did not have in mind the House provision at all. I was simply discussing the general proposition, and I simply wanted to make myself clear as saying that the Federal Government would have the right to draft the National Guard just the same as it would the individual citizen. I do not intend to say, however, that it may not go further, and I do not intend this morning to discuss that question.

Mr. CUMMINS. I did not want any misunderstanding to arise. I express no opinion about it myself, but the House bill has definitely provided that the National Guard can in the event of war be drafted as such.

Mr. CLAPP. The Senator from Ohio and myself understood one another. He used the expression "draft the National Guard" and I supposed he meant that the members of the National Guard, as he was discussing the subject, would be subject to draft like any other citizen.

Mr. POMERENE. Most assuredly; the members of the National Guard are citizens of the State and citizens of the United States, and the mere fact that they may be members of the National Guard of a State does not deprive them of their character as citizens of the Federal Government and therefore subject to the rules and regulations which may be prescribed by the Federal Government.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. POMERENE. I yield.

Mr. BRANDEGEE. Let me ask the Senator from Iowa, if I may, did I understand him to claim that the President could draft into the service of the United States the National Guard organizations as such?

Mr. CUMMINS. I said that the House bill so provides, but I did not express an opinion with regard either to the wisdom or the legality of the provision.

Mr. BRANDEGEE. If the Senator will pardon me, I do not read the House bill as he does. As I read the language which he himself read a minute ago in section 77, page 97, it provides that "the President may, under such regulations as he shall prescribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard," but not the National Guard organization as such.

Mr. CUMMINS. I read it precisely as the Senator has now read it.

Mr. BRANDEGEE. I say the Senator did read it that way, and reading it that way I do not see how he finds authority there to draft the organizations entire as organizations as such but only the members of the organizations.

Mr. CUMMINS. What I said was that the House bill provided that the National Guard could be segregated from other citizens of the country and be subjected to a draft in time of war, because they are or would be members of the National Guard, and I so understand the House provision.

Mr. BRANDEGEE. Whether that is a segregation of the members of the National Guard from the other individuals of the country who are liable to do military service and be drafted therefor is a different proposition.

Mr. POMERENE. Mr. President, the matter which is now being discussed by Senators does not affect the important question which I have in mind and that is the wisdom or the unwisdom of the amendment which has been offered by the Senator from Iowa.



I take it that whatever system may be devised by the Federal Congress it is in part going to be composed of the National Guard, and that being so, necessarily the question arises as to how we should treat the National Guard. The militia existed in this country long before the Federal Army existed. The militia had done service, and valiant service. We have had them in time of peace and in time of war.

I recognize the fact that many who seem to think that we should have one centralized Federal Army are disposed to criticize, and criticize severely, the National Guard; but I dare say that if we were to look with a critical eye into the history of the military power of this country, for every criticism that can be advanced against the National Guard an equal criticism can be made against the manner in which the Regular Army itself has been organized and controlled.

It is not necessary to take the time of the Senate to refer to the splendid service which was rendered by the militia in many of the battles during the Revolutionary War. I grant you there have been mistakes made by it; but if we are to speak of mistakes we can not lose sight of the fact that during the Spanish-American War the Regular Army of this country was not itself perfect. For every mistake that was made by the militia which was mustered into the service during that war, a like mistake can be found to have been made on the part of those who had control of the Regular Army.

Under the provisions of this bill we have the Regular Army, the Volunteer Army, so-called, and the militia. No one differs, I take it, in the thought that the militia is to form a goodly part of whatever force we may have after this legislation has been completed. That being so, it seems to me that the one matter which should be given very careful consideration by the Senate and the House of Representatives is, How shall we treat the militia?

Reference was made yesterday to the incompetence of the militia as it existed in the early history of the country; some reference was made to it as it has existed since the civil war; but I want to remind those who are criticizing the militia of the country that, if there is any fault in the regulations which have controlled them in their organization, in their discipline, the fault does not lie any more at the door of the militia or the National Guard than it lies at the door of the War Department of this country, or at the very doors of Congress itself.

It is said the militia were not properly organized; that they were not properly disciplined. Well, what of it? Congress has the power to regulate the organization and the discipline; and it does that through the administrative power of the War Department itself. So, if they have not been properly disciplined, it is not because the Congress did not have the power to regulate it, for the Constitution itself provides that the Congress has the authority to organize, to arm, and to discipline the militia.

I take it that, if the militia in past years have not measured up to the proper standard, we can go a little further and inquire why. What encouragement has the Congress given to the militia? What attention has been paid to the militia by the War Department of this country? I assert that if no more attention had been paid to the Army itself by the Congress and by the War Department, if they had been given no more encouragement than the militia has been given by the Federal Government, they would not be able to surpass even the militia, if the standard of the militia were no higher than that which is charged against it by the critics of the National Guard.

But, Mr. President, whatever may be said of the militia and of its discipline as it existed before the Civil War or as it existed prior to the Spanish-American War, the same criticism can not with justice be directed toward that branch of the service now or since the Spanish-American War. I know something of the service which has been rendered by the National Guard in my own State; and when I speak of the National Guard I include both officers and men. They come from every locality in the State. The members of the National Guard are taken from the very best of our citizenry. If any criticism can be made of the officers of the National Guard of Ohio, it is that they have given so much attention to the development of the National Guard that they have been compelled to neglect their own private affairs. They have taken upon their shoulders the organization, the training, the discipline of the men under their command because of their love of the service and of the State and of their country. Very little, if any, encouragement has been given to them by the Federal Government, and when they have come to the Capital at Washington asking favors often they have been received with scant courtesy. I want to submit that, taken man for man, the National Guard of the State of Ohio and of many of the other States of which I have

some knowledge will measure up fairly well with the men in the Regular service.

Mr. Stimson, in one of his articles, refers to the fact that the attendance upon the drills by the National Guard has perhaps not been in excess of 60 per cent. It is a just criticism, which can be made; but it seems to me that if they are to be given the proper encouragement the failure to attend will be reduced to a minimum.

If we are going to criticize the militia, let us refer for a moment to conditions as they prevail in the Federal Army. According to a statement which is placed upon our desks this morning, we find that there are 67,765 men now alive who left the Regular Army during the last 10 years, and that of this number 6,893 "went into civil life" without terminating their services honorably. They either deserted and did not return to the service or were discharged by sentence of a general court-martial.

Now, if we are looking for mistakes which we want to correct, if we are looking for matters of criticism, let us be fair to both branches of the service; but it seems to me, instead of our dealing in crimination and recrimination against one branch or the other of this service, we should bend ourselves to the duty of ameliorating the condition of the service as affecting both the militia and the Regular Army.

Mr. President, we do not need to go very far to find that most of the criticism of the National Guard has emanated from the forces in the Regular Army. I take it that the War Department wants full and complete knowledge both as to the condition of the Federal forces and as to the condition of the National Guard; and if there is this prejudice or bias existing on the part of the one arm of the service against the other, it is impossible that right information can be taken to the Secretary of War or to the Commander in Chief of the Army, if he is to get all of his information through one branch of the service. Necessarily, if the Regular Army is not in sympathy with the National Guard, they will look, perhaps unconsciously, with some degree of prejudice upon that branch of the service; and if there is the defect in the discipline of the National Guard, as is contended by those who are criticizing them, is it not in part due to the fact that there has not been that close, intimate relationship existing between the National Guard and the Federal forces which ought to exist? This being so, what objection can there be to having on the General Staff a certain number of officers of the National Guard, who may be able to keep the War Department advised as to what is doing among the National Guard of the several States? Will not the War Department be benefited by this information? If any irregularities exist, can they not the better be corrected in this way?

The former Secretary of War suggested that in the National Guard there were 48 little armies, one for each State, under different degrees of discipline; that it was an inharmonious whole; and that to the extent the National Guard was composed of these different elements it was lacking in efficiency. Assuming that that criticism is just, who is to blame? Under the Federal Constitution the Federal Government has the power to legislate for the regulation and discipline of the National Guard, and if there are 48 armies in 48 States, differing in discipline, it seems to me that the Congress and the War Department are more to blame than are the National Guardsmen themselves.

Mr. LODGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. POMERENE. Yes.

Mr. LODGE. Is it the intention that the officers of the National Guard whom it is proposed to add to the General Staff shall take part in the management of the Regular Army?

Mr. POMERENE. I assume that they would be there in an advisory capacity.

Mr. BRANDEGEE. As experts.

Mr. LODGE. Well, as experts, of course; but are they to take part in the management and direction of the Regular Army?

Mr. POMERENE. They are to constitute a part of the General Staff of the Army.

Mr. LODGE. The officers and men of the Regular Army, then, are to be pro tanto subordinate to these officers of the National Guard?

Mr. POMERENE. I do not imagine that they would be controlled by the members on the staff taken from the National Guard. They would participate in the management. There certainly would not be a majority of National Guardsmen on the General Staff by any means.

Mr. CHAMBERLAIN. Mr. President, if I may interrupt the Senator, I will say that it is proposed that the officers detailed to the General Staff from the National Guard shall have the same status as members of the General Staff from the Regular Army.

Mr. LODGE. That is, they would have part in the direction of the Regular Army of the United States?

Mr. CLAPP. No, Mr. President; they would act only as advisers.

Mr. LODGE. There is nothing of that sort in the amendment.

Mr. WARREN. The chairman of the committee is right; they would be the same as the other members of the staff.

Mr. CHAMBERLAIN. Exactly the same.

Mr. WARREN. As I have suggested in an aside to the Senator from Minnesota, the officers of the General Staff do not direct, except through the head of the department. Of course, they are advisers to the department.

Mr. CLAPP. That is all the officers of the National Guard will do.

Mr. LODGE. Are they to advise concerning and to have power over the Regular Army, or are they to be confined to National Guard matters?

Mr. CHAMBERLAIN. Mr. President, I think there is a misapprehension as to the powers and duties of the General Staff. They do not govern the Army—

Mr. LODGE. I understand that.

Mr. CHAMBERLAIN. And the National Guard officers, whom it is proposed to place on the General Staff, will have exactly the same functions to perform as the General Staff of the Army.

Mr. LODGE. Precisely; that is, they will advise not only in regard to the National Guard, but they will advise also as to the management and control of the Regular Army, of which the President is Commander in Chief.

Mr. WARREN. The same as the other officers of the General Staff, and the General Staff would still have to act through the Secretary of War.

Mr. LODGE. I understand that.

Mr. SMITH of Georgia. There would be only 5 members of the National Guard on the General Staff containing 92 officers of the Regular Army.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I simply desire to suggest to the Senator from Massachusetts that the General Staff under this bill is composed of 92 officers of the Regular Army. This amendment proposes to admit to that body 5 officers of the National Guard, and, inasmuch as the duties of the General Staff are entirely advisory, it seems to me that the presence of 5 members of the National Guard, as compared with 92 members of the Regular Army, ought not to create any great apprehension with respect to the advice that will be given from time to time by the General Staff.

Mr. LEE of Maryland. Mr. President, will the Senator from Ohio allow me to make a suggestion?

Mr. POMERENE. I yield to the Senator.

Mr. LEE of Maryland. Perhaps the Senator from Massachusetts was not here yesterday afternoon when the Senator from New York [Mr. WADSWORTH] gave a concrete and very apt example of the manner in which there could be cooperation between the National Guard officers of the General Staff as advisers and collaborators and the Regular Army officers on that staff. He illustrated a case where a militia officer had been requested to come here and collaborate with the General Staff as to the details of a proposed mobilization, and he showed how much use that officer had been to the General Staff in the suggestions he was able to give because of his knowledge of the details of the militia situation.

Mr. LODGE. If the Senator from Maryland has concluded—

Mr. LEE of Maryland. I have been trespassing on the time of the Senator from Ohio. I have concluded.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. POMERENE. I yield to the Senator from Massachusetts.

Mr. LODGE. I was aware of the duties of the General Staff, and I gathered from reading the amendment that only five officers were to be added from the National Guard; but what I want to find out is whether they are to have the same advisory powers in regard to the Regular Army as other members of the General Staff, because that I think is an important point. I also want to know—and the Senator from Maryland has been kindly enlightening me in regard to the matter—whether a National

Guard officer from New York is to advise the Government what to do with the militia from Massachusetts?

Mr. POMERENE. Mr. President, the time may come, if there should be war, when it will be very necessary for the War Department to have all the information it can get from all sources. That being so, it occurs to me that it is not going to militate against the efficiency of the War Department if they can have some information and some advice from some national guardsman, particularly with reference to the efficiency of the organization and the qualifications of the National Guard, and they may be able to aid with their advice in the direction even of the Federal troops themselves. As the Senator from Iowa [Mr. CUMMINS] has suggested, the number would be so small that they could not dominate and control the operations of the Army if they would, and the members of the General Staff all act in an advisory capacity.

Let me give just a little incident which was brought to my notice by one of the officers of the National Guard of Ohio a few weeks ago in discussing this subject. At Camp Perry the National Guard meet once a year for their field practices. The entire guard are there. They go through the usual field maneuvers. Some of the officers of the Federal Army were out there to inspect the Ohio National Guard, and several of these officers stated to the officers of the National Guard that they themselves had been particularly benefited personally by witnessing these maneuvers, and further stated that never in their careers as officers of the Federal Army had they seen so many soldiers at one time on one field.

Mr. THOMPSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. POMERENE. I do.

Mr. THOMPSON. Is it not true that the National Guard usually go to the military posts of the Regular Army for their maneuvers and drills, and that they use the same discipline as the Regular Army?

Mr. POMERENE. I know that they do attend. Whether it is a general rule or not, I can not say.

Mr. THOMPSON. The discipline is practically the same for one as it is for the other; is it not?

Mr. POMERENE. It should be the same.

Mr. President, I felt at the time this matter was called to my attention that no system was going to be adopted here which would not be in part composed of the National Guard. That being true, I see no reason why a limited number of the officers of the National Guard—who no doubt will be selected because of their efficiency and familiarity with military affairs, and particularly with the affairs of the National Guard—will not be a very great aid to the Government, not only in time of war but in time of peace, when it comes to the proper disciplining of the forces of the country.

For these reasons, very briefly stated, I indulge the hope that this amendment, or something akin to it, may be adopted.

Mr. BORAH. Mr. President, I desire to make some observations on those features of this bill which relate particularly to the so-called National Guard. I would not presume to discuss what may be called the expert features of this bill or of any bill providing for a military system, because I am not qualified to do so; but I am disposed to offer some observations as to that portion of the bill which has to do with law and government and politics.

Mr. President, the fathers nowhere disclosed greater wisdom than in those provisions of the Constitution wherein they equipped this country for self-defense. In no part of that instrument were more courage and foresight disclosed than in that part which has to do with the method and means by which the Republic can take care of itself in case of danger. With singular aloofness from those prejudices and sentiments which so often embarrassed the framers of free institutions in former times, they dared to lodge in one place that capacity for action and that unity of purpose so indispensable to governments in time of war. They were not afraid to trust the President with power sufficient to save the Republic for fear they might trust him with sufficient power to destroy the Republic. Their vision, their reasoning in this respect, amounted to the highest possible conception of statesmanship; and to do in the face of bitter denunciation what their judgment told them it was essential to do was an exhibition of moral courage ennobling to all who contemplate even again and again their work.

It was natural they should give care to this part of their work, because they had just come from the battle field. Washington and Hamilton, who had gone through the Revolution, sat in the convention. It was, therefore, quite logical for them to seek to avoid some of the mistakes which had been made by so-called republics in former times, wherein sufficient and efficient



power had not been given to the Government to protect itself in times of danger. To that end they set about to concentrate the powers of the Government so that those powers could be used effectively and efficiently and successfully in all military matters.

They had no illusions about a republic remaining at all times in a state of peace because of the fact that it was a republic. They understood thoroughly that, regardless of the form of government and of the purposes of the Government, or of the people, and of their devotion to peace, nevertheless there would be times when all the powers of the people must be concentrated in an effective means for the protection of the Government and of the people. They were perfectly familiar with the weakness of former republican governments wherein there was divided authority and divided responsibility with reference to military affairs. So, Mr. President, the builders of this Government centralized tremendous powers in the President of the United States in times of danger. The late Civil War revealed how much we owe to them for having done so.

Preliminary to the discussion of the real question before us, I call attention to the language of the Federalist upon some of these matters.

Mr. Hamilton, in the opening article of the Federalist, says:

On the other hand, it will be equally forgotten that the vigor of government is essential to the security of liberty; that in the contemplation of a sound and well-informed judgment their interests can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics the greatest number have begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants.

In this opening article we find their lofty purpose indicated and a true revelation of their minds. They were not hesitant to leave the commanding of the entire Army and Navy of the United States to one man, the chosen Chief Magistrate of the country. They centralized, as no other Republic had even been willing to do, this power to command the fighting forces. While guarding the raising of the armies by certain provisions elsewhere found, in the matter of commanding the forces there was to be that individual responsibility which all their experiences warned them to be essential.

In No. 6 of the Federalist it is said:

But, notwithstanding the concurring testimony of experience in this particular, there are still to be found visionary or designing men, who stand ready to advocate the paradox of perpetual peace between the States, though dismembered and alienated from each other. The genius of Republics, say they, is pacific; the spirit of commerce has a tendency to soften the manners of men, and to extinguish those inflammable humors which have so often kindled into wars. Commercial Republics, like ours, never will be disposed to waste themselves in ruinous contentions with each other. They will be governed by mutual interest, and will cultivate a spirit of mutual amity and concord.

But, says the writer:

Have republics in practice been less addicted to war than monarchies? Are not the former administered by men as well as the latter? Are not there aversions, predilections, rivalships, and desires of unjust acquisitions that affect nations as well as kings? Are not popular assemblies frequently subject to the impulses of rage, resentment, jealousy, avarice, and of other irregular and violent propensities? Is it not well known that their determinations are often governed by a few individuals in whom they place confidence, and that they are, of course, liable to be tainted by the passions and views of those individuals. Has commerce hitherto done anything more than change the objects of war?

This is particularly interesting at this time; for, after all, one of the controlling influences which led to the great conflict now raging in Europe was that of a desire for commercial supremacy.

Is not the love of wealth as domineering and enterprising a passion as that of love of power or glory? Have there not been as many wars founded upon commercial motives, since that has become the prevailing system of nations, as were before occasioned by the cupidity of territory or dominion? Has not the spirit of commerce, in many instances, administered new incentives to the appetite, both for the one and for the other? Let experience, the least fallible guide of human opinion, be appealed to for an answer to these inquiries.

Citing a number of historical illustrations, he further says:

Have we not already seen enough of the fallacy and extravagance of those idle theories which have amused us with promises of an exemption from the imperfections, the weaknesses, and the evils incident to society in every shape? Is it not time to awake from the deceitful dream of a golden age and to adopt as a practical maxim for the direction of our political conduct that we, as well as the other inhabitants of the globe, are yet remote from the happy empire of perfect wisdom and perfect virtue?

So, Mr. President, entertaining the view that a republic could not be considered as exempt from war, however devoted the people of that republic might be to peace, and entertaining the view that in hours of danger there must be a centralization of power, so far as military action is concerned, the framers of the Constitution did not hesitate to centralize that power in the Chief Magistrate, and made him the Commander in Chief

of the Army and Navy of the United States. The right to command belongs to him, and can not be taken from him by any act of Congress. Next, they gave to Congress, acting for all the States, the power to raise and support armies, to provide a national force as distinguished from the local force known as the State militia. They said that—

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States.

It has been said in this debate that the Constitution of the United States nowhere recognizes the State militia; that there is no recognition, as it were, of a national force and of a local force; but we have that clear and unmistakable recognition in part of section 2, Article II, of the Constitution, where they refer to "the militia of the several States when called into the actual service of the United States."

The framers of the Constitution, entertaining the views that they entertained with reference to the necessity of an undivided power and undivided responsibility in the hour of danger, would scarcely have done other than recognize as a local force that over which they permitted the local authorities to have any control whatever, and to provide another and a distinct force for the National Government as contradistinguished from the local force. If they had not regarded the militia as essentially a State force and always to remain such, except in the limited instances prescribed, they would not have consented to their being officered and trained by 13, now 48, separate authorities. They would never have regarded such divided authority in military affairs as other than fatal. But regarding the militia as a State force, and having provided an undivided authority for the national force, they consented to leaving the training of the militia to the States.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. In that connection, if the Senator will pardon me, does it not seem evident that inductively and historically, as well as deductively, his argument is sound, because this force, which is called by the Constitution not the militia of the United States but the militia of the several States, so as to exclude the idea of its being the militia of the joint States, was already historically a preexisting force, and existed long before the Federal Government was formed at all, as the militia of the several Colonies? So that, historically as well as deductively, the Senator must be right about that.

Mr. BORAH. I think the Senator is entirely correct in that respect.

Mr. WILLIAMS. In other words, the framers of the Constitution merely recognized an existing thing and connected it with the Federal Government for times of war.

Mr. BORAH. Precisely. The fathers found a State militia in each State. They left a State militia in each State, and they left with the States such vital and controlling power as will, in my judgment, always make it, for the purposes of war, ineffective except in a most limited way as a national force. On the other hand, they provided for a national force without permitting any limitation whatever to be placed upon it by the States, giving to Congress authority to raise and support armies and making the Commander in Chief the President of the United States.

What I desire to do to-day—and that is all I desire to do at this time—is to show that according to the Constitution there is a distinct, vital limitation upon the power of Congress with reference to the State militia, and that by reason of that limitation, which is vital and essential, the State militia never can be made an effective force in war or an effective force as a national organization. I want to show that the power of Congress over the militia is a limited power, and that by reason of that limitation the National Government can not do that which is indispensable in fitting the militia for service in times of national danger. I want to show that the powers left with the States are, from a military standpoint, preponderating and dominant, and that to spend vast sums of money on the State militia in view of these insuperable obstacles is to waste effort—to waste our funds so sorely needed for real effective preparedness.

I am not going, Mr. President, to-day at least to review historically the effect of this division of power with reference to the State militia as it has been demonstrated from the beginning of the Government until now. I do want to say, however, in passing that in presenting this question with reference to the ineffectiveness of the State militia to serve the National Government men should not be charged with assailing the personnel or the character of the men who constitute the militia.

It is no reflection upon them as men or citizens. It is a question of power, a question of constitutional authority which we ought to have the courage to heed. The position which I take in regard to it is that by reason of these provisions of the Constitution it never can be made an effective force in Federal affairs as a military proposition, and that being true it devolves upon us to account to the people for putting them in touch with the National Treasury. We should have a reason, a most vital reason, for spending fifty or sixty millions of dollars a year when already every form of taxation is harassing and annoying the citizen.

Looking at the provisions of the Constitution with reference to the State militia we find them entirely different in every respect with reference to power from those which relates to the national force. Among other things in Article I, part of section 8, it says:

The Congress shall have power \* \* \* to provide for calling forth the militia.

For what purpose? Not for all purposes. Not as Congress may raise and support an army, not as it may put in action the national force, but for three specific and well-defined, well-known, and recognized purposes only.

First, to execute the laws of the Union; second, to suppress insurrection; and, third, to repel invasion.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

It has been said that the power of Congress over the State militia is the same as the power of Congress over the Army with the exception of the authority to appoint the officers and training the militia. We need not discuss many of the closer questions, what might be called the hair-splitting question with reference to the authority of Congress over the State militia. Let us deal alone with the vital and controlling constitutional powers. We have here the clear and unmistakable provision reserving to the States exclusively the naming of the officers and the training of the militia. These duties devolve upon and belong exclusively to the State. You can not purchase these reservations away from the State by putting the militia upon the pay roll. You can not go into the market and barter in constitutional power. You must get it from the Constitution without money and without price or you must forego its enjoyment.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BRANDEGEE. Will the Senator be kind enough to repeat the language about the militia organization which he has just read?

Mr. BORAH (reading)—

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Mr. BRANDEGEE. Will the Senator let me ask him this question: The militia to which the Senator has just referred means the unorganized militia of the country, does it not—all persons liable to military service between the years of age as fixed by law? So when it speaks about governing such portion of them as may be put into the service of the United States it does not in anyway authorize the United States to summon the State militia to serve the United States Government. Is it the unorganized militia that Congress is directed to organize? Of course, there would be no sense in organizing the Organized Militia. It must refer to those subject to military service, does it not?

Mr. BORAH. I rather think not.

Mr. STERLING. If the Senator will permit an interruption, I should like to ask him if he thinks that that question is quite so broad? Does the Senator think that the constitutionally Organized Militia of the States may not, under this expression, be ordered into the service of the United States, although organized?

Mr. BORAH. I have no doubt about that.

Mr. BRANDEGEE. Can they be ordered into the service of the United States in time of peace simply for training?

Mr. BORAH. No, sir; they can not be ordered into the service of the United States except when the President of the United States decides it is necessary to have them there for the purpose of executing the laws of the Union, to suppress insurrection, or repel invasion. They remain as a State force at all other times, and the State alone can train them. Congress can

not train them. If the State declines to train them, Congress is powerless.

Mr. STERLING. Then, I should like to make this inquiry: If they may be ordered into the service of the United States for service in war, will not that solve some of our difficulties in considering that part of the bill relating to the National Guard? Will there need to be any new enlistment, for example? Will there need to be any contract with the General Government for service in the Regular Army? May they not as Organized Militia of the States be ordered into the service of the United States in time of war?

Mr. BORAH. I think so, if it is a war of invasion. However, I think that if we are going to put \$50,000,000 a year into the National Guard there ought to be something besides the mere right to order them in. They ought to be equipped and prepared to fight when they get in; and the point is that as long as the State appoints the officers and does the training that never can be true. Why it can not be I am going to discuss at another time. I am interested now as to legal questions only.

Mr. President, with reference to this clause appointing the officers and training the men, and as to the limitation of the authority of Congress over the subject, I read again from the Federalist, No. 29:

What reasonable cause of apprehension can be inferred from a power in the Union to prescribe regulations for the militia and to command its services when necessary, while the particular States are to have the sole and exclusive appointment of the officers? If it were possible seriously to indulge a jealousy of the militia upon any conceivable establishment under the Federal Government, the circumstance of the officers being in the appointment of the States ought at once to extinguish it. There can be no doubt that this circumstance will always secure to them a preponderating influence over the militia.

That number of the Federalist was written by Alexander Hamilton, who had pronounced ideas with reference to the rights of the National Government. He states, however, that so long as the officers are appointed by the States the State must necessarily at all times be the preponderating influence with reference to the State militia; and I shall undertake to show later by historic facts that that has always been true, and that in spite of any contract which you insert in this bill in the hour of crisis it always will be true. You can not change the Constitution of the United States by a contract between individuals or between the National Government and an individual. You can not change it by putting into this bill an oath to support the Constitution and laws of the United States and leaving out the oath to support the State law, from which the officer receives his commission. It is simply an attempt, futile, inexpedient in the end, to get around a plain provision of the Constitution. The fathers fully intended that there should always rest with the State the preponderous influence over this local force. The only way you can change it is to change the Constitution. It is idle to assume you can change all this by contracts or oaths or compensation.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr. CUMMINS. I am not sure that I understood the Senator from Idaho a few moments ago with respect to that clause of the Constitution which provides substantially as follows:

And for governing such part of them as may be employed in the service of the United States.

Assume that Congress has provided for the organization of the militia, I care not what you call it, State militia or otherwise, does the Senator say that the Federal Government does not employ the militia when it prescribes the arming, the equipment, and the training? I rather understood him to say that they were not then employed by the Government of the United States.

Mr. BORAH. That is my view of it.

Mr. CUMMINS. When they are employed?

Mr. BORAH. When the President for these three reasons, or either of them, under the Constitution calls them into the service of the United States.

Mr. CUMMINS. So that if the Senator—

Mr. NELSON. If the Senator will allow me—

Mr. CUMMINS. I had not concluded my question.

Mr. NELSON. I simply wanted to supplement what the Senator said by stating that when they are called into the United States service they are mustered into the service.

Mr. CUMMINS. "Mustered" simply means account, as I understand it, in military phraseology. We do not advance very far by using the word "muster." I want to know if I clearly understand the Senator as saying that there is no Federal relation with the militia or the National Guard until the President calls them into active service for the purpose of enforcing the law, suppressing insurrection, or repelling invasion.



Mr. BORAH. The Senator says, "relation." That is a term of infinite scope. There is this relation, that Congress may previously prescribe the method of organizing, arming, and disciplining it. It may lay down the rule by which the officers appointed by the State shall train them, and if the National Government does not see fit to lay down the rule the State may lay down the rule. But I concede that in training the National Guard the discipline may be prescribed by the National Government before they are actually called into the service of the United States.

Mr. CUMMINS. What office, then, does the clause to which I referred play in the matter, "and for governing such part of them as may be employed in the service of the United States"? Does the Senator understand that when they are employed in the service of the United States the latter provision in the same section reserving to the States the power to appoint officers disappears?

Mr. BORAH. No; I do not so understand.

Mr. CUMMINS. Then when are they employed by the United States and governed by the United States?

Mr. BORAH. They may be governed in a limited sense by the United States without the United States appointing the officers. After the officers are appointed the President may call them into the service of the United States. They pass then under the direction and control of the United States, and the United States governs them and governs the officers who have been appointed by the State. In other words, after they are called into the service they pass under the control of the National Government and are a part of the national force.

Mr. CUMMINS. But the Senator understands they are not in anywise governed by the United States until they are called into the service for one of the three purposes named in the preceding paragraph of the Constitution.

Mr. BORAH. I do not know what the Senator means by "governed." You might say they are being governed in a sense because the Government had prescribed the organization and the method of disciplining them and arming them, but in the sense of controlling troops, directing troops, or using troops as they are called in, they are not under the direction of the United States until the President calls them in for one of these three reasons.

Mr. CUMMINS. One more question, and I shall not detain the Senator further. Then, after Congress has organized or provided for organizing them and for arming them and for disciplining them, as I gather, it is the view of the Senator from Idaho that Congress could not prescribe the length, for instance, of the service during any year or any period, nor the character of the camp service which might be required of the militia?

Mr. BORAH. Before they are called into the service of the United States?

Mr. CUMMINS. Before any effort is made to bring them in for the purpose of enforcing the law or suppressing insurrection or repelling invasion.

Mr. BORAH. That would depend entirely upon what it would be regarded. I think that that might come under the question of discipline.

Mr. NELSON. Will the Senator from Idaho allow me?

Mr. BORAH. I yield.

Mr. NELSON. I want to state that the term "muster into the service of the United States" received a practical construction in the days of the Civil War. We had our State regiments. I myself enlisted in a State company. Eight companies of the State militia were brought into camp together. We were there a month and by-and-by the United States mustering officer came there and made us take the oath over again, and we were mustered into the United States service. From that time on we were under the control of the Federal Government. Now, that is the way it operated during the Civil War with every militia regiment that appeared in the service. They were mustered into the United States service by a United States Regular Army mustering officer swearing them in, and then they became a part of the United States Army.

Mr. CUMMINS. If the Senator from Idaho will allow me—

Mr. BORAH. I yield.

Mr. CUMMINS. I defer to the broader knowledge of the Senator from Minnesota with regard to the meaning of the word "muster." I have a little knowledge respecting it from an Army officer. The Senator from Minnesota, however, describes an enlistment. Of course, when the Senator from Minnesota enlisted in the service of the United States he was mustered in as well, but at that time Congress had not exercised the authority given to it in the Constitution, and the company of which he was a member was not in the service of the United States. I assume it is hardly fair, however, to test what is here pro-

posed by what was done 50 years ago when Congress had not thought it necessary to employ the full power, as I view it, which it has under the Constitution.

Mr. BORAH. I want to support what I have said by calling attention to a few paragraphs from the case of *Houston versus Moore*.

This case was in part a construction of the act of 1792 and the act of 1795. I do not know about the act of 1792; but the act of 1795 was drawn under the direction of Mr. Hamilton, in contemplation of using the State militia in the riots which were at that time disturbing western Pennsylvania. I want Senators to bear in mind, not only the fact that it was drawn by one who had a pretty settled view as to the powers of the States and of the National Government with reference to the militia, but that the act of 1795 has been held by the Supreme Court to have exhausted the power of Congress under these clauses of the Constitution. Justice Washington, rendering the opinion of the court, said:

The Constitution declares that Congress shall have power to provide for calling forth the militia in three specified cases: For organizing, arming, and disciplining them; and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

The laws which I have referred to—

Referring to the acts of 1792 and 1795—

The laws which I have referred to amount to a full execution of the powers conferred upon Congress by the Constitution. They provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion. They also provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, leaving to the States, respectively, the appointment of the officers and the authority of training them according to the discipline prescribed by Congress.

This system may not be formed with as much wisdom as, in the opinion of some, it might have been, or as time and experience may hereafter suggest. But, to my apprehension, the whole ground of congressional legislation is covered by the laws referred to.

On page 23 it is said:

Upon the subject of the militia Congress has exercised the powers conferred on that body by the Constitution as fully as was thought right, and has thus excluded the power of legislation by the States on these subjects.

Justice Johnson, who rendered a separate opinion, says, as will be found on page 36:

Indeed, extensive as their power over the militia is, the United States is obviously intended to be made in some measure dependent upon the States for the aid of this species of force. For if the States will not officer or train their men, there is no power given to Congress to supply the deficiency.

Mr. President, there is no occasion to search for closer questions or for more difficult problems, because if the officering and the training of the militia are left with the States, and Congress can not intrude itself upon that power, then there is to my mind an insuperable difficulty in doing what we are undertaking to do, to wit, make the many State forces a unified efficient force such as we would require in any contest with a powerful foe. To say that a force which is officered by 48 different appointing powers and trained by the State at its will, or no, and that no influence of power can intrude upon that—to say that, is to establish once and for all the inefficiency of the State militia as a national force. Who would lead such a force into battle against the trained armies of Europe or Japan. It would be like the militia from the many States of Greece, meeting the troops of Philip which had been trained and disciplined under one eye—another Chæroneæ would tell the tale.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. LEWIS. I only want to call the attention of the able Senator to the fact that he will discover in that case a separate opinion of Mr. Justice Story, and in the opinion of Mr. Justice Story, the Senator will find a very interesting elaboration of the concurrent powers between the States and the Federal Government touching that very service, pointing out, I think, an answer to many of the opinions urged by the able Senator in his lucid argument. I did not know whether the Senator had time to notice that separate opinion; I might say the reversion to that particular subject, as it seems not to have been alluded to by either of the other justices rendering their opinions, or the justice rendering the opinion of the full court.

Mr. BORAH. I thank the Senator from Illinois. Justice Story renders an interesting dissenting opinion, and discusses, as the Senator says, the question of concurrent power; but the concurrent power which Justice Story discusses relates alone to the question of organizing, arming, and disciplining the

militia. He does not intimate that there is any concurrent power in the Congress and in the States with reference to appointing the officers or training the men. He does say, however, that if Congress should fail to provide a system of organization or of arming and disciplining the State could exercise that power, and do it itself; and in this respect the States and the Congress have concurrent power. But upon the other question, upon which I lay stress, with reference to the appointing of the officers of the militia, Justice Story concurs with the main opinion.

Mr. WILLIAMS. And as to the training of the men.

Mr. BORAH. And as to the training of the men.

Now, I want to read a paragraph from Justice Story, and this paragraph is not out of harmony with the main decision, but, even if it were a dissenting opinion, I think an opinion of Justice Story would be persuasive upon any question:

It is almost too plain for argument that the power here given to Congress over the militia is of a limited nature and confined to the objects specified in these clauses, and that in all other respects, and for all other purposes, the militia are subject to the control and government of the State authorities. Nor can the reservation to the States of the appointment of the officers and authority of the training the militia, according to the discipline prescribed by Congress, be justly considered as weakening this conclusion. That reservation constitutes an exception merely from the power given to Congress "to provide for organizing, arming, and disciplining the militia," and is a limitation upon the authority which would otherwise have devolved upon it as to the appointment of officers. But the exception from a given power can not, upon any fair reasoning, be considered as an enumeration of all the powers which belong to the State over the militia. What those powers are must depend upon their own constitutions—

That is the constitutions of the States—

And what is not taken away by the Constitution of the United States must be considered as retained by the States or the people. The exception, then, ascertains only that Congress have not and that the States have the power to appoint the officers of the militia and to train them according to the discipline prescribed by Congress. Nor does it seem necessary to contend that the power "to provide for organizing, arming, and disciplining the militia" is exclusively vested in Congress. It is merely an affirmative power, and if not in its own nature incompatible with the existence of a like power in the States it may well leave the concurrent power in the latter.

But when Congress has once carried this power into effect it is taken away from the States—that is, with reference to organizing, arming, and disciplining the militia. Farther on Justice Story says:

In considering this question it is always to be kept in view that the case is not of a new power granted to Congress where no similar power already existed in the States.

As was said by the Senator from Mississippi [Mr. WILLIAMS] awhile ago:

On the contrary, the States, in virtue of their sovereignty, possessed general authority over their own militia, and the Constitution carved out of that a specific power in certain enumerated cases.

And that is all that Congress undertook to do. The power over the militia, in the first place, belonged, of course, exclusively to the States to arm, organize, prescribe the discipline, appoint the officers, and to train them, but the Constitution sought to carve out of this general power the limited power of organizing, arming, and disciplining, which it may exercise concurrently with the States. Congress has that power, that limited and circumscribed power, carried out, and no more. With reference to the appointing of the officers and the training of the militia, in all other respects, except that of organizing or prescribing the organization and of arming and equipping, the power over the militia rests exclusively in the States. It is a State institution, but over this State institution certain limited authority is given; but it remains and must remain a State institution.

Let us see what the Supreme Court of Illinois said in a case dealing with this question. I will not read it all, because the Senator from Connecticut [Mr. BRANDEGEE] yesterday put it in the Record, but I want to read a paragraph or two.

Mr. LEWIS. Will the Senator kindly give the citation?

Mr. BORAH. It is the case of Peter J. Dunne against The People, Ninety-fourth Illinois. I read from the syllabus, but the body of the opinion will be found to support fully, in my judgment, the syllabus:

3. The Federal Constitution does not confer on Congress unlimited power over the militia of the several States, but it is restricted to specific objects enumerated, and for all other purposes the militia of the States remains subject to State legislation. The power of a State over its militia is not derived from the Constitution of the United States. It is a power the States had before the adoption of that instrument, and its exercise by the States not being prohibited by it, it still remains with the States, subject only to the paramount authority of acts of Congress enacted in pursuance of the Constitution.

5. There is no question of the power of a State to organize such portion of its militia as may be deemed necessary in the execution of its laws and to aid in maintaining domestic tranquillity within its borders. The power given to the chief executive of the State to call

out the militia to execute the laws, etc., by implication recognizes the right to organize a State militia.

9. It is for the legislature to determine of what number the active militia of the State shall consist, depending on the exigency that makes such organization necessary.

13. The organization of a State militia, when not in actual service, but for the purpose of training under the act of Congress, into divisions, brigades, regiments, battalions, and companies, shall be done as the State legislature may direct. When called into the national service, it is made the duty of the executive to organize the militia as the act of Congress directs.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SUTHERLAND. Has the Senator from Idaho any doubt that, if Congress should not act upon the matter at all and should not make any provision such as it is authorized to make under the Constitution, each State in the Union would have absolute power to provide for a militia, to organize it, and to provide the rules by which it should be governed? I ask the Senator from Idaho whether he does not think that the only purpose of the provision of the Constitution which authorizes Congress to provide for these things is that a uniform rule may be established by Congress?

Mr. BORAH. That is my opinion.

Mr. SUTHERLAND. It was deemed advisable that, so far as possible, the militia of the several States should be organized and disciplined in pursuance of a uniform rule. The power of Congress is simply to prescribe the rule, and then the States carry the rule into execution.

Mr. BORAH. I think that is the correct rule. Something has been said here with reference to the fact that that provision of the Constitution which forbids the States to keep troops in time of war might have some reference to this provision, but both the Supreme Court of the United States and the Illinois Supreme Court have decided that that has no reference to the militia at all.

Mr. SUTHERLAND. The very case to which the Senator has referred, the Illinois case, does that.

Mr. BORAH. That is true. Undoubtedly a State could proceed to organize, arm, and equip its own militia, and discipline it if the Congress of the United States did not provide for its doing so. It could do so upon its own motion, upon its own theory of organization and discipline, and the prohibition of the Congress with reference to maintaining troops would not at all militate against the right or authority of the State to do so.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr. CUMMINS. What is the difference between a regiment called "militia" in service throughout the year and equipped in every way for war and "troops"?

Mr. BORAH. Well, Mr. President, in popular parlance there would be no difference at all; but there is a clear line of distinction between "troops" and "State militia" so far as the Constitution is concerned. The State militia are not troops under that provision of the Constitution.

Mr. CUMMINS. That is simply one decision, and probably it would not be accepted as absolutely conclusive of the question. I think there is in the popular mind a difference. I take it that in the word "militia" there inheres the thought of occasional service.

Mr. BORAH. That is generally the way the service is rendered.

Mr. CUMMINS. If a State has the power to organize militia—and that it would have the power to organize militia if nothing had been said in the Constitution I have no doubt whatever, and I think no one has ever doubted it—but suppose the State of Iowa came to the conclusion that it wanted a standing army and would call out its militia, organize its militia, arm the men who were organized, and keep them in the service precisely as the National Government now keeps the regular force in the service, does not the Senator from Idaho think that they would be "troops"?

Mr. BORAH. No; I do not.

Mr. CUMMINS. Then, how could we get troops in the State of Iowa?

Mr. BORAH. Well, the State of Iowa can not have troops in time of peace. It can have its citizen or civilian force; or, in other words, its militia.

Mr. SUTHERLAND. Mr. President, I suggest to the Senator that the distinction between "troops" and "militia" is that



the troops are soldiers, while the militia are citizens still in civil life.

Mr. CUMMINS. How long must citizens be soldiers in order to make them "troops"?

Mr. SUTHERLAND. I have not finished—when a man becomes a member of the State militia, he does not leave his occupation in civil life; he is still a doctor or a lawyer or a clerk. Those things constitute the usual occupations of the militia. A citizen simply becomes a member of the militia in order that he may take training and be ready to respond to the call of his State or, in a larger aspect, to the call of the Nation, and he does not become a soldier.

Mr. WILLIAMS. A professional soldier.

Mr. SUTHERLAND. He at no time becomes a regular soldier.

Mr. CUMMINS. Then we have no "troops" in the United States.

Mr. SUTHERLAND. He is still a citizen in civil life.

Mr. LODGE. We have none except in the Regular Army.

Mr. CUMMINS. They are not troops. A man enlists in the Regular Army for three years, and then comes out of the service, and is still a doctor or a mason in civil life.

Mr. WILLIAMS. But he has no other occupation while he is in the Army.

Mr. LODGE. While he is there he has no other occupation.

Mr. CUMMINS. Certainly not. If the Senator from Idaho will permit me, if a State were to organize a regiment of militia, enlist the militia for three years, and keep them in the service for nine months in each of the years, would not that regiment be troops?

Mr. SUTHERLAND. If the Senator will add to it that they are put into the military business in such a way that they become professional soldiers and abandon their civil occupations, I would say yes.

Mr. CUMMINS. We have no professional soldiers in the United States save the officers who enter the service for life. All others are volunteers, who enter for a specified time. This bill provides that any soldier of the Regular Army can leave it at the end of two years and enter a reserve force. To me the distinction that is made by the Senator from Massachusetts and the Senator from Utah is not understandable at all.

Mr. LODGE. But there is no power in the world where the men enlist for an indefinite period.

Mr. CUMMINS. Oh, I know that.

Mr. LODGE. And they are professional armies.

Mr. CUMMINS. They may be professional armies, but there can be a professional militiaman just as well as a professional soldier.

Mr. LODGE. Professional militiamen, as far as my experience goes, all have some other object. On an average, in the three years of their enlistment, they drill 90 hours.

Mr. CUMMINS. Very well.

Mr. LODGE. And the regular soldier is more occupied in his profession than that.

Mr. CUMMINS. Suppose a State should call in a regiment. It has the power to organize a regiment of militia. All the members of society are unorganized parts of the militia. From the time of attaining fighting age until the man dies he is a militiaman; he is a member of the unorganized militia. But when he enters the service I am trying to find out whether the distinction between the militiaman and the trooper is one of the length of service or one of the character of service, or just how, with a regiment of fighting men who have agreed to remain in the service for a year or two years, you can tell whether they are militiamen or troops.

Mr. SUTHERLAND and Mr. LEE of Maryland addressed the Chair.

The PRESIDING OFFICER. To whom is the Senator yielding? There are several Senators on the floor at the same time.

Mr. BORAH. I yield to the Senator from Utah.

Mr. SUTHERLAND. The distinction is, if the Senator will permit me to answer the question, in the character of the service which is rendered. A man may become a professional soldier if he has enlisted for a year or for three years. The length of time does not make any difference. While he is engaged in that occupation, that is his profession, and it is none the less a profession because he has voluntarily entered it. In other words, in order to be engaged in a profession a man does not have to be compelled to enter it.

Mr. CUMMINS. Mr. President, the difference is, as I understand it, that while he is fighting he is a trooper, but while he is preparing he is a militiaman.

Mr. SUTHERLAND. Not at all. He is a soldier while he is preparing.

Mr. BORAH. Mr. President, the Senator from Iowa would not contend, I presume, that a State could not maintain a militia in time of peace.

Mr. CUMMINS. No, Mr. President; I do not so contend.

Mr. BORAH. The Constitution forbids a State from keeping troops in time of peace.

Mr. CUMMINS. I was trying to find out, however, whether there is any conflict between the various phrases used in the Constitution. We all know that they are not always reconcilable. The clause of the Constitution to which the Senator has just referred says that a State may keep troops without the consent of Congress in the event of war. In the event the State goes to war, in the event of an invasion of the State, the State can keep an army; and I do not know how it could organize the army except under its power to call out all of its citizens to defend it.

Mr. BORAH. Does the Senator contend that a State in time of peace may not maintain a militia?

Mr. CUMMINS. No; I do not.

Mr. BORAH. Then, what will he do with the provision of the Constitution which forbids a State to keep troops in time of peace?

Mr. CUMMINS. I say, I was asking the Senator to reconcile those statements, to explain the difference between the troops. Mr. BORAH. There is a difference, evidently. The Constitution recognizes a difference, because it provides for the States maintaining a militia, or concedes their right to maintain a militia, and yet it prohibits them from maintaining troops in time of peace.

Mr. CUMMINS. The Constitution does not say anything about the States maintaining a militia. It is simply silent on that question; and I assume that unless the States granted the whole power—

Mr. BORAH. Being silent, it is just the same as if it authorized it, so far as practice is concerned, because, being silent, the States may maintain a militia. It was an original power, and the Constitution does not prohibit its use.

Mr. CUMMINS. No; the States had the power to do so, and I assume, with some little doubt upon my own part, that the States did not part with the power to organize a militia; although it could be very well argued, as the Senator knows it has been argued, that the grant of power to the Congress of the United States to organize the militia was exclusive, I do not think so, and I do not contend so. Nor is it material to any question that we are considering here to determine that delicate point.

Mr. BORAH. The Constitution says the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States. Not only do we have the fact that the power originally belonged to the States, but we have here written into the Constitution the recognition of the fact that there shall be State militias there to be called into action, and that a State may maintain a militia in time of peace. But afterwards the Constitution says that the States are prohibited from maintaining troops in time of peace. So the Constitution clearly recognizes that there is a clear distinction between troops and the State militia.

Mr. CUMMINS. I do not deny that. I was trying to find out what the difference is and when the militiaman might become a professional soldier.

Mr. BORAH. I will read a paragraph from the case of Dunne against The People upon that point, so that it may go in the Record:

The States are forbidden to keep "troops" in time of peace; and of what avail is the militia to maintain order and to enforce the laws in the States unless it is organized? "A well-regulated militia" is declared to be "necessary to the security of a free State." The militia is the dormant force upon which both the National and State Governments rely "to execute the laws, \* \* \* suppress insurrections, and repel invasions." It would seem to be indispensable there should be concurrent control over the militia in both governments within the limitations imposed by the Constitution. Accordingly it is laid down by text writers and courts that the power given to Congress to provide for organizing, arming, and disciplining the militia is not exclusive. It is defined to be merely an affirmative power and not incompatible with the existence of a like power in the States, and hence the conclusion is the power of concurrent legislation over the militia exists in the several States with the National Government.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Iowa?

Mr. BORAH. Yes.

Mr. CUMMINS. I should like to reduce this argument, if I can, to the real issue, for I recognize the justice and the soundness of a large part of the argument of the Senator from Idaho. Standing as I do for the provisions of this bill in favor of the National Guard, I do not want it assumed that we are on our side disputing a large part of the argument which has just been

submitted by the Senator from Idaho. I return to one question which I propounded a short while ago.

First, let me say that we do not question or doubt that in time of peace the State has the absolute power to appoint the officers of the militia or the National Guard, and that inasmuch as men can be trained only by officers, they must be trained by the officers appointed by the State. I agree, at any rate—I do not want to bind anyone else by the admission—that we can not affect that power on the part of the States; and I agree further that if a State should refuse to appoint or make provision for the appointment or selection of officers of the militia during a time of peace, the Federal Government could not supply that omission on the part of the States.

So far, I agree with the Senator from Idaho. But, as I understand the Senator from Idaho, he goes further and says that in time of war, when the President, under the authority of Congress, calls the National Guard into the fighting service of the United States, then the State still has the power to appoint the officers of the organization so called in; and that if, in such an event, the State were not to appoint or select, the organization would be without officers, and that the Federal Government could not appoint officers in that contingency.

That is the point that is interesting, because, if that is true, then the conclusions that have been stated by the Senator from Idaho have great force; but I have never believed, and do not now understand, that that is the proper interpretation of the Constitution.

Mr. BORAH. Mr. President, I have not gone to the extent which the Senator seems to think I have with reference to the power of the National Government to govern the force after they are called into the service, because I do not think that is a vital question here. What I maintain is that if the National Government can not appoint the officers and can not enforce the training by the officers, as a military proposition it is a totally defective organization for the purpose of national defense; that it will be too late after they are called into service to do that which it was essential to have done before they were called into the service in order to make them efficient. Unless Congress can go further than is conceded by the Senator in the way of controlling the officers or initiating the training, the troops will never be fitted for the service which they will be called on to perform. They will be just the same as volunteers. If the training is not proper or is not made at all, it would be just the same as if we called so many volunteers. So, as to whether or not they shall be fitted at all is the conceded proposition here, with the statement—

Mr. CUMMINS. That, of course, is a question of fact and not of law, and can be determined only by looking over the situation and observing what the National Guard is, what its officers are—I mean their competency—and whether they are actually training men so that they will be fit for the Federal service.

Mr. BORAH. Exactly; but suppose the National Government looks over the situation and finds that the officers are not fitted and that they are not training, what is the Congress going to do about it? It can not do anything. So you fall back upon the proposition that on the vital question of fitting these men for service the Congress is powerless, and, in the view of all the authorities that I have been able to examine upon military tactics or military questions, that is a vital proposition.

The very object of putting these men in touch with the National Government is to have them properly trained, and to have them advance beyond the condition of the ordinary citizen in military capacity; and if Congress has not the power to enforce it, why should we undertake to legislate to that end? If this can not be done effectively, completely, how dare we rely on the militia? In these times, sir, we want no broken reed in the hour of peril. Above all, we do not want to spend millions upon any system that can not be relied on, and relied on with safety when the ordeal of battle comes. Our expense for preparedness will be burdensome, and in the name of justice, in all fairness to the overburdened taxpayers, let us not put any burden on them that is not essential and worth to them every dollar it costs.

Mr. LEE of Maryland. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. LEE of Maryland. The Senator has been so amiable in submitting to interruptions that I should like to note, for information, an exception to his constitutional argument on the ground that in case of absolute failure of the States to regulate the militia according to the discipline prescribed by Congress, Congress would be helpless. I am under the impression that the power to enforce that discipline is clearly one of the

implied powers of Congress, and absolutely covered by McCullough against Maryland. I will read that to the Senate at a later time; but before going on with this suggestion, I should like to ask the Senator a question in respect to this provision in section 8 of Article I of our Constitution, "reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress." Do I understand the Senator to maintain that the words "according to the discipline prescribed by Congress" do not apply equally to the appointment of the officers and the authority of training?

Mr. BORAH. Unquestionably they do not. If they had, there would have been no reason in the world for the Constitution making that exception. But I am interested that a southern Democrat should go further than a northern Republican on the question of implied power. I have never understood that the implied power under the Constitution went so far as to abrogate a specific provision of the Constitution to the contrary. Here the Constitution expressly reserves to the States the power to appoint officers and to train the militia. Now, the Senator would render that specific provision nugatory under the doctrine of implied power. "Verily the old order changeth."

Mr. LEE of Maryland. I do not concede that there is any specific provision to the contrary. The obligation imposed on Congress is to provide a discipline, and it should see to the enforcement of the discipline that it has the right to provide. Otherwise, the providing of the discipline would be an absolute nullity, a mere idle waste of words.

Mr. BORAH. It is, in practical effect, if the State does not see fit to train.

Mr. LEE of Maryland. So the Senator would render it.

Mr. BORAH. This provision of the Constitution is to the effect that the power to appoint the officers and to train the men is expressly reserved to the several States. Now, certainly no implied authority could in any way affect that authority or that right.

Mr. LEE of Maryland. That right or reservation is all qualified by the following words: "according to the discipline prescribed by Congress," and that is what the Senator wants to get rid of.

Mr. BORAH. Exactly; "according to the discipline prescribed by Congress." But if the Senator were correct in the proposition, all the Constitution would have said would have been that the Congress had power to organize, arm, and discipline the militia. If it had been intended by the fathers, as the Senator contends, that the discipline should also cover the officers, they would not have specifically carved out and excepted from the matter of governing an army and disciplining it the matter of appointment and of training. So they took that out of the matter of discipline. That feature of discipline can not be exercised by Congress. That feature of organization can not be exercised by Congress. That part is reserved to the States specifically. Otherwise it would belong to Congress by reason of the authority to discipline the Organized Militia.

Mr. LEE of Maryland. The Senator's argument, then, in that connection simply cancels that provision, "according to the discipline prescribed by Congress."

Mr. BORAH. No; it does not.

Mr. LEE of Maryland. It simply cancels those words.

Mr. WILLIAMS. It depends on what the word "discipline" means.

Mr. BORAH. Exactly. They appoint the officers and do the training. They do the training according to the discipline. But suppose the State does not want to train at all—what are you going to do about it?

Mr. LEE of Maryland. I think the Congress can enforce its discipline by appropriate legislation, and I think that power to enforce is clearly an implied power under McCullough versus Maryland.

Mr. HUGHES. Where are you going to get it?

Mr. BORAH. Let me read, in that connection—

Mr. CUMMINS. Before the Senator goes into that subject—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. Just let me read this, first:

Indeed, extensive as their power over the militia is, the United States are obviously intended to be made, in some measure, dependent upon the States for the aid of this species of force. For if the States will not officer or train their men there is no power given to Congress to supply the deficiency.

Mr. HUGHES. What is that from?

Mr. BORAH. That is from the case of Houston against Moore.



Mr. CUMMINS. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. CUMMINS. The Senator from Idaho has referred very often to the views of Alexander Hamilton. Has he examined the message to Congress delivered by George Washington in 1795? I assume that it reflects Hamilton's views.

Mr. BORAH. I have no idea whose views it reflects other than its author's, but I have examined it.

Mr. CUMMINS. I beg to read a sentence from it:

In my opinion Congress has the power, by the proper organization, disciplining, equipment, and development of the militia to make it a national force, capable of meeting every military exigency of the United States.

If Hamilton had as much influence in this message as he had ordinarily over the public utterances of the first President of the United States, I suggest that the fathers, at least, believed that the militia could be made a national force. When Patrick Henry, who was rather a great man in his time, was opposing the ratification of the Constitution in the Virginia convention, he said this about the militia:

As your militia is given up to Congress, all power will be in their own possession.

He then quotes another paragraph of the Constitution, and says:

By this, sir, you see that their control over our last and best defense is unlimited.

So our constitutional literature is not without some reference to the efficiency of a National Guard.

Mr. BORAH. The best authority just now against Patrick Henry is the Senator from Iowa, in his statement a few moments ago, in which he showed that Mr. Henry was thoroughly mistaken in the admission of the fact that we have the absolute power to appoint officers and do the training, and if we do not train them nobody can. Certainly, if that be true, the great orator was in error in supposing that the control of Congress was unlimited. We owe much to Patrick Henry for his eloquence and his patriotism; but time has shown his fears to have been ungrounded, and the Supreme Court of the United States has shown his view of the Constitution to have been unsound.

Mr. CUMMINS. I rarely quote Patrick Henry unless he is on my side.

Mr. BORAH. But the difficulty here seems to be that he is not on the side of the Senator. The position the Senator takes is that there is no power in Congress to name the officers and train the militia.

Mr. WILLIAMS. If the Senator from Idaho will pardon me, a good deal of this argument has grown up out of a difference of opinion as to what the word "discipline" means.

Mr. BORAH. It seems so.

Mr. WILLIAMS. The word "discipline" is defined as instruction; training. It is defined as drilling. That is what it means. The State prescribes the tactics, whether it is Hardee's or Upton's. That is what is meant by discipline.

Mr. BORAH. In addition to that, Congress has put a construction on that clause of the Constitution in accordance with that definition.

Mr. CUMMINS. The Senator from Idaho imputed to me an opinion a moment ago that I think I have not expressed. I believe that the States have the power, and the exclusive power, to appoint the officers of the militia until the militia enters the employment of the United States. I might not agree with the Senator from Idaho as to just what constitutes employment by the United States. He is of the opinion—and I have not disputed it up to this time—that the militia enter the employment of the United States only when they are called into service to accomplish one of the things mentioned in the preceding paragraph of the Constitution, while I think it may be fairly contended that they can be called into the employment of the United States for the purpose of preparing them to do the things which the Constitution names in the preceding paragraph.

Mr. BORAH. Let me ask the Senator a question in order that we may get down to the real issue. The Senator concedes that the States have exclusive power to appoint the officers. Suppose the State does not see fit to train the militia, has Congress power to train the militia?

Mr. CUMMINS. I do not want to answer that question. It is an exceedingly doubtful one, and I do not think it inheres or is material to any proposition I have made or shall make with regard to the bill, and especially the pending amendment.

Mr. BORAH. Mr. President, I am just about to conclude, and I will conclude by saying that it seems clear that under the Constitution, and according to the authorities which have undertaken

to construe the Constitution, this at least may be regarded as well established: First, that the appointment of the officers is exclusively under the control of the States; and, secondly, that the training of the militia is exclusively within the authority and under the control of the States; that if the State does not see fit to appoint officers the Congress of the United States can not compel the State to do so; that if the State does not see fit to train the militia the Congress of the United States can not compel the State to do so. There have been historic illustrations, but of those I am not going to speak now. There is another feature of this National Guard matter which I want to discuss later. But those two propositions as legal propositions under the Constitution seem to me beyond peradventure well established. But just a word with reference to the quotation from Washington's message to Congress, upon which the Senator justly lays stress. No doubt both Washington and Hamilton entertained a hope that the act of 1795 would work out successfully. But the Father of his Country did not live to see his hopes dashed to earth in the War of 1812. But that does not relate to the legal proposition, and I propose to take this and other more serious questions up in a later discussion.

Mr. LEWIS. Mr. President, unless I am taking up time that some other Senator would like at this particular time to occupy, as I am not anxious to proceed at any particular hour, I would like permission to say a few words touching this proposed amendment and what I regard to be the attitude of this bill toward the States' guard militia.

There seems to have been in this country something of a general fear addressed against the organization of the Army and also against the State guards. There is very generally, Mr. President, through the country, I think, a mistaken idea as to the offices to be performed by both the Army and the guards. They are not enemies of our country or opposed to the freedom of our people.

I heard the distinguished Senator from Minnesota [Mr. NELSON] expressing in commendable terms his condemnation of that general spirit pervading in different parts, indeed, I may say the whole, of the Republic, opposing any form of force or defense as militarism. Just now that spirit seems rampant and to pervade sections of the country where least we were to expect it and where the reputation for intelligence, it is assumed, would have long avoided it.

In the casual writings of Heine there is a very interesting observation produced by him to point a moral. He speaks about an oriental country where there was a judge of a court who was called upon to pass a judicial decision between two conflicting contenders for some interest, and, not liking the looks of the individuals, he committed the decision to his daughter. She heard the full case and she went to her father to report. Heine relates that the old judge asked her, "Well, what do you think of the justice of their case and which do you think is right?" She responded, "I do not know which is right; I only know that both stink." In the general estimation of a class of people throughout this country there is an assumption that the very organization of any form of military protection is a stink in the nostrils of democracy and is obnoxious to the whole spirit of justice in a republic.

For myself I can not take either of these views. What this country needs just now can be put in a single phrase. It is an army that is a sufficient army. Its States need a complete and efficient organization under the privileges of its National Guard or militia.

The danger we have is that under the general excitement prevailing in certain quarters we may go to such an extreme of militarism as to arouse the fear and aversion of a certain class of people who lack a complete understanding of what our objects are and defeat through misapprehension the very purpose of our undertaking. Or, on the other hand, we may go to the other extreme and, yielding to these fears and this aversion, fail to do anything that is necessary to the demand of the hour upon the country.

I occupy rather a difficult situation, measured by my estimate of my own position. I am not able to agree with any measure in toto which has been presented to either body. I have studied both bills, that from the House, designated the Hay bill, and that coming from the Military Committee of the Senate, designated the Chamberlain bill.

Mr. President, at the outset let me confess a prejudice, well to be understood in order that my fellow Senators may measure properly my hostility—at least keep in view what it is that influences me.

I am strongly prejudiced in favor of the National Guard. I am strongly an advocate of a State force to be kept and equipped for the purposes of local welfare as well as national defense. I have been a member of the Guards, in some form or other,

since I left my schooling. I have been an officer of the Guard, in some form or other, all my manhood life. I am now and have retained this position, and it may be that those affectionate associations, inspired by the endearing experiences that a man has year in and year out, cause me to see these agencies in a more flattering light than others far removed from personal association may view them. I have observed a tendency in this Government at every opportunity that could arise to minimize the value of the State National Guard, and in some instances to macerate them out of existence.

This bill, to my thinking, works a great injustice to every State in the Union, and, to my opinion, robs the States to a great extent of that force essential to our Government, a force within a State for the purpose of repelling invasion against that State as well as to protect that State from those disorders which may suddenly arise within a State due to its local situation. This is a condition so seldom understood and never wholly appreciated by other States many miles removed.

I have been interested in the argument of the Senator from Idaho [Mr. BORAH]—and I have been attracted by the different suggestions made to him by other Senators as the argument has proceeded—upon the distinction between the power of the Federal Government over the Army and the power of the National Government over the militia.

Mr. President, there are two things it is well to clear up in the beginning. There is a distinct difference between militia and the National Guard. The militia, under the wording of the Constitution, merely means that which is meant under the English definition. Having used governmental words in those days, which were the words of the common law or English statutes—words defining things and status which had existed in England previous to our coming into existence, it must be assumed that we used them in the same sense they were employed by those from whom we adopted them. So the word "militia" in the Constitution means that body of men from whom may be organized a distinctive force, but who, not being so organized, are "the militia," as distinguished from the organized force called "the Army."

Under the laws of England before our coming into existence, as is well remembered by the able lawyers representing their different States here in the Senate, as long ago as King Athelstane in Kent, they organized each locally a form of militia. This was adopted, it is very interesting to remark, from the ancient governments of which they had some reading and not much knowledge. It came from a series of institutions prevailing in Rome. The Gauls landing in England brought with them some such form of the government of the land from whence they came. Part of England, not desiring to accept the imperial form of Rome, rather reverted, as did the Southern States of the United States, together with New England, to the Grecian theory. They declined to accept a form of organization that extended from border to border, and they adopted the Grecian theory of organizing in each locality some form for its own separate protection in the event that one of its neighbors, for offenses real or imaginary, should attempt to invade it or to make war upon it.

The word "militis" passing, of course, from the Latin into the English, took its shape rather into the word "militia," which had no other object than merely defining those who could do military service.

Therefore I say to my eminent friend from Idaho [Mr. BORAH] that I think the distinguished Senator from Iowa [Mr. CUMMINS] and himself did not pause to reflect upon that, which reflection would so readily have restored them to the real definition of the word as used in the Constitution. The right of a State to keep a militia was intended to mean the privilege of a State to recognize that class of individuals who may bear arms, and thus it added the other words reading, "a well-organized militia." Consequently, when the provision is against the State keeping troops, that meant that it should not organize an army as an army within itself that might be used as an army opposed to the National Sovereignty, but "organized militia" meant that it should always keep itself, if it chose, in such a condition that its militia could be organized at any time for the purposes of national defense, but never to be kept as a separate army under the State sovereignty as distinguished from the General Army under the Nationality.

Therefore, while it does appear on the face of the Constitution an interesting inconsistency, difficult for the most eminent lawyers to reconcile, yet upon reading something of the history of our country we will readily see there is no real inconsistency, if we will divorce the word "militia" and the application of it from what is generally termed the National Guard. Therefore, the Organized Militia becomes a National Guard or the Organized Militia may become the Army.

Now, Mr. President, I wish to call attention to the fact that it is not at all inconsistent with the provisions of the Constitution that the Federal Government should exercise or should assume to exercise a control over the National Guard. In so far as the national defense is concerned the assumption on the part of our learned and excellent friend from Idaho, voicing the view, I dare say, held by many able Senators, that we have no control over the officering or the disciplining of the National Guard fails in this point. That particular provision of the Constitution cited by him is limited to the officering and the discipline of the National Guard while they remain a distinct State force, but the very moment any condition arises that calls for this force to be exercised in behalf of the national welfare the right then of discipline or officering is promptly vested in the very power that is authorized to call them into existence for national uses.

So we see that there is no inconsistency there, because if there were left in the power of the President of the United States the right to officer the guard of the State of Michigan, the State of Pennsylvania, the State of Illinois, or the States of Iowa or Idaho while in time of peace contemplate what would follow. That officering of their force could come from any source in the world, there being no law to compel the officer to come from the State of North Carolina if it is the guard of North Carolina, from South Carolina if it is a South Carolina guard, or from Michigan or from Idaho, we would soon have a condition which our fathers inveighed against when in the Declaration of Independence, a general expression of their grievances, they spoke of the "foreign soldier" who had been quartered upon the soil and at their doors.

If the President of the United States in time of peace could officer the guards, it would be quite apparent that he could officer them from any source whatever; that he could send men to take charge of them who bore not the slightest relation of kindness to them, who knew neither their families, nor their needs, nor their geography, nor their environment, and would use them upon any state of circumstances according to his whim or profit or which served his particular object, though that object might be indeed removed far apart from the just needs of the hour.

So you can see, I am sure, Mr. President, that there is a great deal of wisdom in that provision of the Constitution which limits the officering and the discipline of the guard in time of peace to the State wherein it is organized.

The able Senator from Idaho called attention to the opinion in the Fifth Wheaton, a case well reasoned out, and, as the able Senator from Idaho pointed out, rather replete with separate opinions, and to that extent indicating a very great interest in the question involved. The question involved at that time was, of course, the limit of the Federal Government over the National Guards in time of peace and the limitation of the State government over a Federal force in time of war. One of the observations of that opinion impresses me as of vast interest. It is the individual opinion of Mr. Justice Story. My learned friend, the able Senator from Idaho, in using the words "dissenting opinion," I am sure happened not at that particular time to realize that it was not dissenting, he, no doubt, meaning individual; but the opinion is not dissenting. It is a separate opinion, and Mr. Justice Story has an observation that is interesting. He says of the general policy:

But the exception from a given power can not, upon any fair reasoning, be considered as an enumeration of all the powers which belong to the States over the militia. What those powers are must depend upon their own constitutions, and what is not taken away by the Constitution of the United States must be considered as retained by the States or the people. \* \* \*

If Congress should not have exercised its own power, how, upon any other construction than that of concurrent power, could the States sufficiently provide for their own safety against domestic insurrections or the sudden invasion of a foreign enemy? They are expressly prohibited from keeping troops or ships of war in time of peace, and this, undoubtedly, upon the supposition that in such cases the militia would be their natural and sufficient defense.

Showing to my eminent friend from Idaho that distinction between troops and militia is clearly recognized by the courts along the line I assumed to point out a moment ago in my argument on this question.

Mr. BORAH. Mr. President—

Mr. LEWIS. I yield to the Senator.

Mr. BORAH. I think the Senator from Illinois is in error as to its not being a dissenting opinion.

Mr. LEWIS. If the Senator from Idaho, having the volume before him, says it is a dissenting opinion I have then forgotten that it is dissenting, being under the idea that it was an individual opinion.

Mr. BORAH. Justice Johnson rendered an individual opinion; but Justice Story rendered a dissenting opinion, holding



that the act of the Legislature of Pennsylvania was void while the court held that it was valid.

Mr. LEWIS. It may be, Mr. President, but what I wish to call the Senator's attention to is this particular phase of reasoning. Mr. Justice Story, however, is not combated, as I recall it, by any other of the writers of opinions.

Mr. BORAH. I agree with that proposition.

Mr. LEWIS. Therefore I wish to say to my able friends my judgment is this: The only judicial declaration we have in construing that act seems to be this: The concurrent jurisdiction of the State with the Federal Government over the militia gives to the Federal Government the organization and discipline of the militia in any manner touching the national defense concurrently with the State. That being therefore established, as I see it, I am unable to see that there is that barrier which Senators have heretofore apprehended against the National Government federalizing the State guards to the full extent necessary for national defense, without, however, abrogating or repealing the National Guards in their complete and sovereign existence for the welfare of the State and its State defense.

Now, Mr. President, we get some idea from a later opinion, to which I invite my learned friend's attention. I invite the Senator's attention to the case that came up growing out of a court-martial. I read also from Mr. Justice Story in Twelfth Wheaton, following the Fifth. I invite attention to some observations in this opinion as indicating to my mind that the court in this case finally yields to Mr. Justice Story's conclusions in the Fifth Wheaton, and it seems to yield to his line of reasoning. If I were before a court, I would assume to argue as follows: That in the former case, the opinion being dissenting, as my able friend says, but in the matter to which I allude separately, to which there was no dissent, subsequently, upon further consideration, this same justice had his views adopted in so far as these particular matters to which I am alluding were concerned, and then such became the full opinion of the court on that subject. I shall read.

This is a military case. The militia of New York is called out for some uses. The militia declines in the State of New York to obey the court. They are proceeded against and these particular officers in disobedience court-martialed. They make the point that they are not subject to the Federal Government, seeking to take favor under Fifth Wheaton. They contend that they were not a national force and are not the subject of a court-martial by the National Government. That they are distinctly a State force, and as there was no insurrection, no national war, it was not in the power of the United States Government to court-martial them because these particular officers assumed in their judgment to differ from the President of the United States, who had decided there was some war imminent, and in that respect thought to call the militia into action. I read but one or two paragraphs for the purpose of accentuating the position which I feel free to take. I ask my able friend from Idaho, who is an excellent lawyer, as well as an eminent Senator, as to his construction of the case in Fifth Wheaton, drawn from these observations to be found now in the subsequent opinion of Twelfth Wheaton. In this opinion Mr. Justice Story says:

For the more clear and exact consideration of the subject, it may be necessary to refer to the Constitution of the United States and some of the provisions of the act of 1795. The Constitution declares that Congress shall have power "to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions"; and also "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States." In pursuance of this authority, the act of 1795 has provided, "That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his order for that purpose to such officer or officers of the militia as he shall think proper." And like provisions are made for the other cases stated in the Constitution.

Then comes some matter which is unnecessary for the purpose of my point. The court, proceeding, says:

It has not been denied here that the act of 1795 is within the constitutional authority of Congress or that Congress may not lawfully provide for cases of imminent danger of invasion, as well as for cases where an invasion has actually taken place. In our opinion there is no ground for a doubt on this point, even if it had been relied on, for the power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion, as the necessary and proper means to effectuate the object. One of the best means to repel invasion is to provide the requisite force for action before the invader himself has reached the soil.

Carrying out the idea that in the States these forces were intended to be disciplined and equipped for the purpose of repelling invasion. Then the court, proceeding, says:

If the power of regulating the militia and of commanding its services in times of insurrection and invasion, are—as it has been emphatically said they are—natural incidents to the duties of superintending the

common defense and of watching over the internal peace of the Confederacy—

This is a quotation from the Federalist, which, I assume, the able Senator had before him. Then, the court continues:

These powers must be so construed as to the modes of their exercise as not to defeat the great end in view. If a superior officer has a right to contest the orders of the President upon his own doubts as to the exigency having arisen, it must be equally the right of every inferior officer and soldier; and any act done by any person in furtherance of such orders would subject him to responsibility in a civil suit in which his defense must finally rest upon his ability to establish the facts by competent proofs. Such a course would be subversive of all discipline and expose the best disposed officers to the chance of ruinous litigation. Besides, in many instances the evidence upon which the President might decide that there is imminent danger of invasion might be of a nature not constituting strict technical proof, or the disclosure of the evidence might reveal important secrets of state, which the public interest, and even safety, might imperiously demand to be kept in concealment.

I conclude with a single paragraph:

The act of 1795 is not confined in its operation to cases of refusal to obey the orders of the President in time of public war.

Yet I am sure the Senator will agree with me that that expression seems exceedingly foreign to all the views the court had uttered in the case in Fifth Wheaton, and directly contrary to all views we have been educated to in this body as matter of law—that is, that the President of the United States has no power over an officer of the State militia in time of peace, and yet this observation from Justice Story, speaking now for the full court, apparently, along the line of his observation when he rendered his dissenting opinion in the same case and his separate opinion on another branch—we now find him asserting the same doctrine, apparently, with the concurrence of the court that had previously differed from him. I read as follows:

The act of 1795 is not confined in its operation to cases of refusal to obey the orders of the President in times of public war. On the contrary, the act authorized the President to call forth the militia to suppress insurrections and to enforce the laws of the United States in times of peace.

Mr. President, I think I have indicated sufficiently, at least for the point I wish to make, that there is a power in the President of the United States over the militia in time of peace, which does authorize him concurrently with the States to supervise the organization, the officering, and the disciplining, and that the observations in the former case, read by the able Senator from Idaho, seem to be at variance with what seems to be the spirit of the later decision and what seems to have been since then something of the practice.

Mr. President, having made that assertion, I now wish to make manifest my object. The time has come when this Government must recognize that the militia or the National Guard organized in different States, to become effective for any purposes whatever, must have the concurrent cooperation of the Federal Government. This cooperation must be by the furnishing them with implements, accouterments, supplies, and opportunities. Without these the guard, however patriotic in their individual character, would be useless to the National Government. Why? The eminent Senator from New York [Mr. WADSWORTH] called attention to the general position of this bill touching such of its features of organization and to the situation of the National Guard of New York.

In a State such as New York, where the guard is brought up to a very high degree of efficiency, supported by the State—and I might add Pennsylvania, Illinois, and other States, but I am now speaking only in illustration—in such a State you could expect from the guard cooperation with the Federal Government of its own volition, because it is able to do so; but in States where the income from taxation has been limited and the amount committed to the treasury has been curtailed, so that expenditures in behalf of the guard have been most limited indeed, and where unjust prejudice has prevented their growth, there would be no money for their existence; and unless the National Government should go into such States and render them aid, that there may be uniform provisions, there would be no guard within such States kept up to such efficiency as would be of any value or service to the National Government in the hour of insurrection or of war.

Therefore it must be seen clearly that the power of concurrent jurisdiction is justified by the courts; it must be seen clearly that it is justified by the Constitution; and it must seem to be a very natural power, in order that we should have a uniform defense and a uniform force to accomplish that purpose.

Mr. President, what I wish to speak of particularly is that this bill, as I see it, fails to recognize that the National Guard should be a separate force for its State uses; it fails to recognize the great fact that the guard is a State body which exists; but, to the contrary, I am forced to the conclusion that there is not a due regard for either the uses of the guard in the past or their needs for the future, but that this bill, out of some spirit mysterious to me, conscious as I am of the patriotism of the



men who constitute this committee, has visited an affront upon that force that has remained the force of defense and sustenance of this Government in times of its greatest peril, and which at other times, sir, has been forced to endure hardships that could not be described, miseries beyond the tongue's depiction, and insults and affronts from conditions around them that ought never to have been visited upon the meanest citizen of our country, and far less upon one who tenders his life for the liberty of his country.

Now, in an hour when we have weaned many away from the prejudice of the National Guard and brought closer relation to the National Government, with the consent at least of the majority of our countrymen, by which that concurrent power of supervision and control may be exercised, there is disclosed on the part of the committee a spirit that seeks to ignore the National Guard. I think I shall be able to point out in a few words, at least to those gentlemen who have a feeling such as I have—a feeling on behalf of the guard to nurture it, to protect it, and to guard it against injustice—that in this measure there are three different sections which place the National Guard in a position of subservience to the Regular Army, which place the guard as menials to the officers of what is known as the volunteer force, which place the guard as policemen in the States in which they exist, and rob them of all the sovereignty of character, the dignity of nature, and the splendor of life that belong to an American citizen in the defense of his country and who tenders all he has to that noble aspiration.

It is said that in the beginning of our Government there was this opposition to the militia. True; but, as I pointed out to the able Senator from Idaho, keeping in view his confession that his relation to the guard as an institution had not been, of course, as intimate, as we all know, as his relation to the law on the subject, the difference—I may say the confusion—arose from the fact of our inability oftentimes to distinguish between the militia as a power out of which the guard could be organized and the National Guard being a part of the Organized Militia.

Mr. President, the able Senator from Idaho brought into requisition his usual fund of learning as he took legitimate recourse to his splendid historical knowledge. The Senator from Idaho, speaking for the school of thought for which he stands, and which he eminently represents, said that the National Government should have a supervision, I may say sovereign in character, over all of its forces within and without a State, its discipline and the officering of the guard or the militia; otherwise, according to his argument and the argument of many others, there would be no competent force within the State whatever and they would be useless organizations for national defense.

It is true that Alexander Hamilton made such observations as the able Senator from Idaho quoted from, but I wish to call to the Senator's attention and to the attention of the Senate, who do me the honor to hear these dry observations at this time, that those views were combated even then; that even then it was not regarded as prudent that we should sever local force from a local control; and I think I can point out that Mr. Hamilton subsequently, after returning to the State of New York, where he lived, finding that the people of New York did not exactly concur with his view and that it was contrary to the best interests of the local sovereignty of the States and for the future theory of our dual Government, qualified his own observation; but of that we will let the Senate judge.

I call attention, first, to the fact that during the debates upon the Constitution this question to which my able friend alludes arose, and touching the question, I wish at this time to call attention, first, to the observations of Patrick Henry upon the question of whether the Federal Government should have absolute power or control over the Organized Militia, what we now would call the National Guard, or whether it should be left, as is the theory of our Government now, to a local sovereignty, except in time of national crisis or national peril.

Says Mr. Henry:

Your militia—

Referring to a then proposed proposition—

Your militia is given up to Congress—all power will be in their own possession. Of what service would militia be to you, when, most probably, you will not have a single musket in the State? For, as arms are to be provided by Congress, they may or may not furnish them.

You will gather from this that this argument is very much along the line of my suggestions that if the States have the right to officer this force in time of peace they still would be powerless unless the Congress chooses to protect them and fur-

nish them with proper sustenance and support. Continuing, Mr. Henry says:

Let me here call your attention to that part which gives the Congress the power to provide for organizing, arming, and disciplining the militia—

Referring, of course, to the Constitution—

and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress. By this, sir, you see that their control over our last and best defense is unlimited. If they refuse or neglect to discipline or arm our militia, they will be useless; the States can do neither, this power being exclusively given to Congress. The power of appointing officers over men not disciplined or armed is ridiculous; so that this pretended little remains of power left the States may, at the pleasure of Congress, be rendered nugatory.

Then Mr. Madison, having this proposition before him in the Virginia Convention, says:

But the honorable member sees great danger in the provision concerning the militia. Now, sir, this I conceive to be an additional security to our liberties without diminishing the power of the States to any considerable degree. It appears to me so highly expedient that I should imagine that it would have found advocates even in the warmest friends of the present system. The authority of training the militia and appointing the officers is reserved to the States. But Congress ought to have the power of establishing a uniform system of discipline throughout the States, and to provide for the execution of the laws, suppress insurrections, and repel invasions. These are the only cases wherein they can interfere with the militia; and the obvious necessity of their having power over them in these cases must flash conviction to any reflecting mind. Without uniformity of discipline military bodies would be incapable of action; without a general controlling power to call forth the strength of the Union for the purpose of repelling invasion the country might be overrun and conquered by foreign enemies. Without such a power to suppress insurrections our liberties might be destroyed by intestine factions and domestic tyranny be established.

Indicating clearly that they saw the necessity of these local forces being organized, disciplined, and officered, even in time of peace, in order that in their own States they might be able to repel invasion against that particular State where there might not be time or opportunity to call in the forces of the Federal Government or to invoke its authority. Therefore, I think it was, that Mr. Hamilton later—I assume when discussing similar subjects, not, I must say, withdrawing from his previous attitude as expressed in the quotation made by the Senator from Idaho, yet qualified them—indulged in observations such as the following.

Says Mr. Hamilton:

It requires no skill in the science of war to discern that uniformity in the organization and discipline of the militia would be attended with the most beneficial effects whenever they were called into service for the public defense. It would enable them to discharge the duties of the camp and the field with mutual intelligence and concert, an advantage of peculiar moment in the operations of an army; and it would fit them much sooner to acquire the degree of proficiency in military functions which would be essential to their usefulness. This desirable uniformity can only be accomplished by confiding the regular of the militia to the national authority. It is therefore with the most evident propriety that the plan of the convention proposes to empower the Union "to provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

The able Senator read a portion of this utterance, after which I beg now to add:

If standing armies are dangerous to liberty, an efficacious power over the militia, in the body to whose care the State is committed, ought as far as possible to take away the inducement and the pretext to such unfriendly institutions. If the Federal Government can command the aid of the militia in those emergencies which call for the military arm in support of the civil magistrate, it can better dispense with the employment of a different kind of force. If it can not avail itself of the former, it will be obliged to recur to the latter. To render an army unnecessary will be a more certain method of preventing its existence than a thousand prohibitions on paper.

Now, I ask the committee, with great respect—I, who am not a follower of the doctrines of Mr. Alexander Hamilton, certainly not in all respects—I ask them if they will not apply to section 56 of this bill this doctrine, as I now put it in the language of Mr. Hamilton?

If the Federal Government can command the aid of the militia in those emergencies which call for the military arm in support of the civil magistrate, it can better dispense with the employment of a different kind of force.

Why, then, this different kind of force, called the "volunteer army," if the Organized Militia can serve the purposes and uses which even Mr. Hamilton at that time saw, with the concurrence of the National Government, would be accomplished? If the full uses and, I may say, needs of our Government can thus be fulfilled, why should there be the introduction of this intermediate force, which in its very nature mascerates the guard out of existence as an independent and sovereign force within the State whenever the hour shall come when it shall be called



into service for the national defense? Therefore, quoting the last clause of Mr. Hamilton's utterance:

If it can not avail itself of the former, it will be obliged to recur to the latter.

But, as we have seen, it has always availed itself of the former, and may continue to avail itself of the former, why should there be this recurrence to the latter, to this extraordinary force introduced in this measure euphoniously designated the "volunteer force," and to which in a second I shall allude in more detail?

Mr. President, I am at a loss to understand what peculiar spirit there is in this Government at this particular time that has intruded itself upon this Republic to visit what I feel to be this affront upon the National Guard of the country. Why should it be at this particular time? May we not pause and ask something of the service of the guard? Who are these people? Has there ever been any evidence that the guard has shown hostility to the welfare of the country at large? I answer, none. Barring the single instance where they doubted the national authority touching the question of courts-martial, it is difficult for anyone to lay his hand upon an instance where the States—I am not now, of course, referring to the Civil War—ever offered the slightest opposition to any movement on the part of the National Government looking to the national defense or the national welfare.

We speak of the service of the guard. We should speak of it rather reverently. I know that here and there there have been instances to which gentlemen have alluded—and seemingly they do so with delight—wherein the guard has failed of that which might be expected; but those Senators, or those who have made such references, seem not to have paused to consider that much of that was caused by a lack of supplies. It was not due to a want of efficiency; it was due to a want of opportunity; they lacked the arms; they lacked munitions; they lacked training opportunity, and they could not accomplish, Mr. President, to the full extent the tasks the Regular Army accomplishes when they were so limited in means by comparison that they could not have that wherewith with which the Army had been equipped. Barring these illustrations which I offer, now, we turn and ask ourselves has there been at any time a reason why the guard should have been so discriminated against and at this particular time, so neglected?

Mr. President, we remember that the National Guard of the different States have been called upon from time to time to perform the most odious duties. They have been compelled to combat their own neighbors and friends, where there has been conflict between master and servant, between capital and labor. They have been called out to perform duty disagreeable in every aspect, wounding their every sensibilities; yet, notwithstanding that, in the pursuit of their duty they proceeded, taking the odium of the situation, the insult of those who surrounded them, bearing under disease, enduring the conflict of those who opposed them, firm in spirit and endowed with surpassing patience—in spite of all this, in spite of assaults upon them physically, they have proceeded in the performance of their duties to the State with honor and with dignity, and then they have returned to their homes to find in many instances that they were discriminated against, discharged by their employers, refused to be returned to their previous employment, left without a home, almost hopeless; and when they came here to Congress, seeking some recognition, they were flouted and turned from the door; but, nevertheless, they returned to their undertakings in behalf of their State in just the same spirit of devotion as before. Each generation has produced a buoyant lot of young men, men of splendid spirit, with noble ardor, with warm and generous natures, who, realizing the splendid discipline they would obtain, and enjoying the association of their fellows, have every year presented that splendid front of noble force for the defense of the State and for the glory of the Nation.

Mr. President, there is a disposition now and then to assume that the National Guard of our Republic is something new and, therefore, something to be only tolerated. I assume to ask the able chairman of the committee, whose industrious efforts spent on this bill I naturally applaud, but from whose conclusions in many respects I differ materially, to pause to recall that this force, the intermediate guard, has ever been the salvation of nearly every Government which has ever assumed to support the doctrine of freedom.

I see before me eminent scholars of history. It has been an opportune reference when, occasionally, scholars have referred to the Pretorian Guard of Rome. Let it be remembered that it was the local guard of the imperial governments of Rome, created within their respective functions, that saved Rome from being overrun time and time again through the centuries. Long before the Goths and Vandals descended upon that imperial

country with the blood of the virtuous Helvius Pertinax dripping from their fingers the members of the Pretorian Guard murdered their officers in fear that these might usurp the Government and overrun the land and produce that result which subsequently, years afterwards, was accomplished. On many occasions the army, being on distant outposts, could not be mustered and it was the guard led by Pretorius that saved Rome from foreign invasion. This was one of the lessons presented before our fathers who wrote the Constitution.

And Greece! Do I need refer to the historical fact that, when the Athenian League was dead and it seemed as if the liberty of that little country was imperiled by those who no longer desired it to remain free and were willing to surrender it to the legions of Philip, who then threatened it with despotism and destruction, it was the local force that amassed itself in a form which we speak of as the guard that rushing to the gates of the city stood with its sturdy strength, defended it against the invasion, and saved Greece that it might have life a little longer to present to us all the ideals of art, emblems of beauty, and models of classics; indeed, produced all the precedents and history of real democracy. It was from these that our fathers learned their earliest lessons, and profiting therefrom shaped the dual form of government by giving to the guard, the "militia," as it was then termed, its sovereignty within the States, and as Mr. Justice Story, in the last opinion in Twelfth Wheaton, directly varying from the opinion read by the eminent Senator from Idaho, clearly expressed his view of having this concurrent jurisdiction between the States and the National Government.

But surely, Senators, you will agree with me that it could never have been the idea that it could be a concurrent jurisdiction carrying with it the right of a National Government to invoke the State to the aid of the National Government in the hour of its peril, without calling for the corresponding duty of the National Government contributing to the State Government for the militia or guard, to the extent of its necessities, in order to bring it up to a disciplined organization essential to the welfare of the State against invasion that might be brought upon that State at any hour.

Yet, if the provisions of this bill shall remain as they now are, every incentive to the National Guard to continue the discipline which has been the glory of its past, and to maintain itself as a great force for defense against invasion will have ended, and the guard will have been placed in the humiliating position, after all these years of noble service of being subordinated to an intermediate force, not now in existence but to be called into power, to become commanded under the order of the President, while the officers of the guard become servants, and I may say servile, to those who will, while bearing the title of volunteer officer, will carry with them the power of the National Government. This makes the National Guard of every State of the Union really a third and ultimate force, only to be called upon when all others have been exhausted, and then used in such a manner that they remain subject to the orders of those officers who have been put in power under this bill, who may come from any part of the United States except the country, the State, or the locality whence the National Guard may have been organized. I hold that that is dangerous; I hold that that means the death of the guard. I am not willing that the home volunteer guard should receive this death stroke in the house of its guardians—I can not allow this measure, as much as I favor every form of organization of the Army, to be put upon the Senate with these provisions in it. They imperil the home forces of a country so heterogeneous as ours. Shall we mask the truth here, Senators? Are there any reasons to-day in this body why we should hide from ourselves the reasons why the National Guard should be kept in the States firmly and securely?

My friend from Iowa [Mr. CUMMINS], the able Senator who has been indulging in observations here; the Senator from Wyoming [Mr. WARREN], the eminent member of this committee; my friends, both the senior and the junior Senators from Minnesota [Mr. NELSON and Mr. CLAPP]—they live in a country of homogeneous population. They may never have reason to call for the guard in sudden emergency of things which they do not understand, not having experienced them. Let me turn to this side of the Chamber, and let us be frank at the expense of popularity. If ever the time comes that you dismember the National Guard in the States of the Pacific coast and forget the Chinese riots that they had to contend against, growing out, unfortunately, of labor disputes that Heaven hope may not be repeated, or of the Japanese uprisings, or uprisings of those who do injustice to the Japanese, we will say (accepting the views of others), or any of the nationalities upon which is precipitated difficulties which are wholly their own problems, where do you think these States, then, in such an hour, will get their defense? Shall they telegraph—as



under this bill it is necessary to do, as I think I can show you—to The Adjutant General of the United States, who may come from the State of Ohio or from the State of Illinois or from New England, and who, having possibly no appreciation of these local difficulties, must hesitate, must examine into the question, must pause, must consider before he can authorize this volunteer force to come to the defense of these localities, in the meantime of which every despoliation has been executed, every offense against the citizen, killing and murder, riot and incendiarism?

That, Senators, I am sure you will see, could not have been the intention of any of you, and yet it is the direct result of this bill in its construction, as I see it, and surely it will not be your purpose. Yet under these provisions the National Guard is left, notwithstanding the provision of the bill that seemingly masks—I do not say intentionally; I know the honor of the members of this committee—yet in its verbiage it masks the very evil to which I allude by saying there is reserved to the State the right to maintain these reserve forces, and then it immediately follows that by taking from the State every power by which it may execute, order, or enforce rights by these reserve forces, called "volunteer."

Now I come to my neighbors from the South. I was born in the South. To it I owe the gratitude of my rearing. I sympathize deeply with its problems, which never can be defined exactly to those outside of the South. You, Senators, well know what it has had to contend against from time to time; and while we will not charge the evil as against any race, we know it is sufficient to recall that the Southern States have been compelled to endure that which is nameless in respectable society. Yet under this bill, with no intention on the part of this committee, but unconscious of these situations, or for the moment indifferent to them, I do charge solemnly from my place, upon the responsibility of my position, that under four sections of this bill the State of South Carolina, the State of Mississippi, the State of Louisiana—States which in the past have been characterized with unfortunate inflammable exhibitions, or I may say the States have been inflamed because of the inflammable situation which from time to time has surrounded them—your guard, though reserved the right to serve in its local capacities, would be met with the following: The very moment there arose a crisis in these States by which this local force should be invoked for some reason it would be promptly pointed out that it had been usurped and supplanted under the provisions of the bill by the volunteer army; and it would also be pointed out, if they were attempting to interfere with what may be called rights claimed under the United States laws and the Constitution—to wit, in the case of the negro under the fourteenth amendment and in the case of the Japanese and Chinese under the treaty—that a State guard had no right or power and it was not within the right of the governor to call them out.

Of course we may haggle for weeks upon the legal construction, and we may find ourselves again, as the able Senator from Idaho and myself find ourselves now—he with one opinion of the court one way, I with an opinion from the same court another—both justified in the conclusions we draw; but in the meantime the unhappy situation of these States as I see it will become deeply deplorable beyond description.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Illinois yield to the Senator from Oregon?

Mr. LEWIS. Gladly.

Mr. CHAMBERLAIN. Do I understand now that the Senator from Illinois is complaining particularly of the provision in the bill for the creation of a volunteer force, or is he complaining of the attempt that is made to federalize the National Guard?

Mr. LEWIS. Mr. President, my complaint is twofold: First, that in federalizing the guard—which I feel should be concurrent—the effect of this bill is, as I see it, to repeal completely all the sovereign powers there are in the State with reference to the guard; second, that by virtue of the provision for the volunteer force in this bill the volunteer force will supersede the guard in all matters, except purely police duties within a State.

Mr. CHAMBERLAIN. In reference to the first proposition that the Senator lays down, permit me to say that every attempt at the federalization of the National Guard has been made at the earnest request of the National Guard itself, through its representatives, who have been given a patient hearing; and if the bill in that respect lacks anything at all, it lacks provisions that carry the National Guard as far into the federalization plan as the National Guard want to have it go.

Mr. LEE of Maryland. Mr. President—

Mr. LEWIS. Pardon me if I call my able friend's attention—I will yield to the Senator from Maryland in just a moment.

Mr. LEE of Maryland. I simply want to ask a question.

Mr. LEWIS. Certainly; I yield.

Mr. LEE of Maryland. I will ask the Senator from Oregon, the chairman of the committee, whether the provision in this bill is not that the control of the guard for services within the State is reserved to the governor and officers of the State?

Mr. CHAMBERLAIN. Practically so; but I wanted to call the Senator's attention particularly to that, because he is criticizing this bill on the ground that it contains provisions which have been insisted upon by every member of the National Guard who has been here. I call the Senator's attention particularly to an address delivered before the committee by Adj. Gen. Foster, of Florida, and by the distinguished major general commanding the National Guard of New York, where they insisted that we had the power and that it was the desire of the National Guard to be federalized just as strongly as it was possible.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. LEWIS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I wanted to ask the chairman of the committee if there is any provision in this bill which would interfere with the governor of a State using the National Guard to meet any emergency within the State?

Mr. CHAMBERLAIN. I do not think so at all. That is where I differ from the Senator from Illinois.

Mr. VARDAMAN. Of course that would be quite unfortunate. Having been the governor of my State, I know the necessity for the use of the National Guard. I had the opportunity and occasion a number of times to use the National Guard; and anything that will interfere with the right of the governor to call out the National Guard to meet an emergency would be quite unfortunate.

Mr. LEWIS. Now, Mr. President, I say to my able friend the chairman of the committee that it is true that the officers of the National Guard have asked that the guard be federalized. I have been one of those officers who have sought this; but when these officers have come before the committee, I beg to say to the chairman that they have asked to have the guard federalized but recognized upon an equality with every other force. They desire that the guard shall be federalized and that there should be two forces, namely, the Army and the guard. But when the federalization comes forth in the bill, I insist that the guard has been subordinated to the intermediate force of the Volunteer Army, which, I say to the able chairman, was never submitted to them, nor have they ever accepted it; and they never could have accepted it without realizing that their uses were at an end.

Now I come to the second question. The Senator from Maryland [Mr. LEE] asked the able chairman of the committee if there was not a power reserved in the bill leaving the militia under the control of the governor, to which the able chairman says, "Practically so." And when the Senator from Mississippi [Mr. VARDAMAN]—who, like the chairman of the Military Affairs Committee, was a distinguished governor of his State, and both recognized the needs of local sovereignty—asked the chairman of the committee if this bill allows the governor to call out the militia in case of any exigency, the able chairman says he "thinks so." It is that which gives me my concern; and I pointed out some time ago that the provisions of this bill are such that even the chairman himself, with his splendid ability upon the honor of his position, can not say absolutely that it is true.

Mr. CHAMBERLAIN. Then, Mr. President—if I may interrupt again—if the Senator is going to be afraid to act because of a doubt, he will have to eliminate the whole of the National Guard provision from the bill.

Mr. LEWIS. I will say to my able friend that I purpose offering some amendments that I feel will make exact these powers. I am only calling attention now to what I charge, and what I will continue to charge—that this committee, valorous and patriotic, in the pressure of affairs did not realize what it was doing in this bill; and I shall give a reason in a moment.

The able chairman recognizes that I am here, not criticizing the bill as an opponent, nor condemning the measure as one which I would have defeated, but as one alive to the best interests of the guard, pointing out to him as I see the matter, and pointing out to the committee, what I regard as provisions in this bill which later I shall allude to as placing the guard at a great disadvantage, and subordinating it to this third force,



this intermediate force which renders the guard impracticable for use and practically puts an end to its service.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator once more?

Mr. LEWIS. Oh, certainly.

Mr. CHAMBERLAIN. I am not going to interrupt the Senator again; I shall address myself to this matter in my own time after a while; but I want to call the Senator's attention, in connection with the National Guard which he is discussing, to the fact that the Constitution itself fixes the power of the governor over the National Guard of the State, and this legislation could not possibly take away or change that power. The differences of opinion here in the Senate are not over that proposition. All concede that the governor has absolute power under the prescribed terms and limitations of the Constitution. The differences amongst Senators here are as to the power of the Federal Government over the National Guard in view of the limitations in the Constitution.

There is not any question about the governor's power. That is fixed and determined, and I think is conceded by everybody. There is no purpose in this bill to take it away from the governor, and the Congress could not take it away if they tried.

Mr. LEWIS. The suggestion of the Senator from Nebraska [Mr. HITCHCOCK], a member of the committee, to the chairman of the committee that he call my attention to the fact that the Constitution authorizes the governor to call out the militia refers to something which we all recognize. I have pointed to that before. It is this—and now I ask the chairman to note the distinction:

The Constitution vests in the governor, whoever he may be, under the dual theory of our Government to which I have alluded, the right to call out the militia. It vests him with that privilege. I respectfully urge that the militias are left by this bill in such a condition that they would have no existence by virtue of which a governor could utilize them; for in this bill, as I see it, they are left so mangled as a guard that this intermediate force, called the volunteer army, so supersedes them that first they have no potency, no virility; second, that notwithstanding the Constitution vests in the governor the power to call them out, the provisions of this bill so vest privileges that heretofore have been exercised in another way that you create a conflict between the Federal Government and the State authorities as to whether the particular occasion that calls them out justifies the governor in calling the State force or the President to order out the National Volunteer Army.

Shall I remind my friend, the able chairman of this committee, that in his own State a governor named Penoyer from one point of view directly opposed the President of the United States, Mr. Cleveland, a Democrat, on this very issue, standing on the State constitution, while those advising Mr. Cleveland stood on the Federal statute? Shall I remind him that in the State of Illinois, which I now in part represent, we had the exact situation between Gov. Altgeld, of Illinois, and the President in the Pullman-car strikes?

What I wish to call to the attention of my able friend, the eminent chairman of the committee, is that these provisions have so beclouded the heretofore sovereign power within the States over the Guard that they are now left to be a subordinate to an intermediate force, and that hereafter there will arise legal contenders who will say that the word "militia" in the Constitution, and the power over the militia in so far as it is vested in the President or in the Federal Government or in the State, has now been expressed by the Federal Government in that force called the volunteer force, leaving the thing we now call the National Guard as having no constituted authority from any recognized national source. That it has been superseded.

Therefore, in the language of Alexander Hamilton, which I read, that intermediate force is unnecessary. As long as the Guard in its original condition, in its power and virility, if properly used concurrently with the National Government, can serve the uses, I insist, first, that the volunteer force provided in this measure is not needful; second, that its existence will destroy the uses of the governor; third, that in making any attempt to organize it we will disorganize whatever Guard there is.

I have pointed out, Mr. President—

Mr. CHAMBERLAIN. May I interrupt the Senator once more?

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Oregon?

Mr. LEWIS. Surely.

Mr. CHAMBERLAIN. The Senator has referred to an occasion when a former governor of Oregon came in conflict with the President of the United States.

Mr. LEWIS. Yes.

Mr. CHAMBERLAIN. I remember that very well, because when the President of the United States suggested some course which should be pursued in Oregon, and wired the governor to that effect, the governor of Oregon telegraphed back to Mr. Cleveland: "You attend to your business and I will attend to mine," and the fact is that nothing was done.

But, Mr. President, I feel that if the position which the Senator takes is the correct one, and the Federal authorities can not be given some control over the National Guard, I, for one, will be in favor of withdrawing any support that the Federal Government gives the National Guard now. I differ from the Senator somewhat, and I shall discuss the matter a little later. I believe that Congress, by the exercise of its unused power, as stated by the Senator from Iowa, can go very much further toward federalizing the National Guard than the Senator from Idaho does. We have attempted to exercise all the power we thought Congress had under the Constitution. If we have not the power, or if we have gone further than we had a right to go, then I think it is useless for the Government to waste any more money on the National Guard. It was the very purpose of the committee, and it is partially the purpose of this bill, not to take away the power of the governor of the State—that can not be done—but to bring the National Guards so closely in touch with the Federal department that the Government itself shall have control over them.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. LEWIS. I do.

Mr. BORAH. As I understand, there is no contention over the proposition that it is not within the power of Congress to take from the governor of the State the power to call out the militia for the purpose of enforcing the laws of the State or protecting the peace of the State, is there?

Mr. CHAMBERLAIN. Not at all.

Mr. BORAH. The Senator from Illinois is of the opinion that the committee have undertaken to do so.

Mr. LEWIS. Will the Senator finish whatever interrogatories he has? Then, I will answer them all.

Mr. BORAH. The point I wanted to have discussed, in view of this suggestion, was whether or not there is an attempt upon the part of the committee to take away the power of the State to use the militia for the purpose of enforcing the laws of the State, suppressing insurrection, and so on.

Mr. LEWIS. Mr. President, I first return to the chairman of the committee.

The observations of the chairman of the committee would intimate that I am opposing the federalization of the National Guard. I have pointed out to the chairman that I have not only sought its federalization here, but—if I may be pardoned for the vanity of indulging in something of my own experience in this behalf—I did so in the spring of 1899, while a member of the committee in the House of Representatives. I sought there, I have sought since, to bring about its federalization; and I have to-day read authorities—I regret that the senior Senator from Iowa was not here when I did so—supplementing some of the views of the Senator from Iowa. I pointed out that what we should have is a concurrent federalization, by which the National Guard and the Army should be the two forces of defense; that the intermediate force proposed here would destroy the Guard, and destroy the concurrent support between the local sovereignty of the State and the national unity, and that such destroys the uses of the Guard and renders it ineffective in the State, because there is no longer an incentive to maintain it either in an incipient state or in a state of organization.

Now I turn to the question of the Senator from Idaho. There is no provision in this bill that assumes directly to take from any governor the authority vested in him by the Constitution. What I wish to point out is that the definitions in the bill of authority to the Guard and to the Volunteer Army provided for under this act are of a nature which, failing to recognize the right heretofore existing within the State, will be hereafter construed to be an attempt to take it away, and that unless you can stand literally upon the constitutional clause there will be a dispute between those who will insist that the Volunteer Army has been given a privilege which supersedes the Guard, and those of my school who insist that the Guard still stands in every sovereign right that the Constitution provided for the States. It is that difficulty that I am pointing out and urging that it will surely arise. The Senator from Idaho was not here a moment ago. I will point out to him what I had in my mind, and I expressed it.



In ordinary strikes, as we call them, disputes between labor and capital, arising in the Middle West, let us say, there probably would be no serious dispute; but take the State of the Senator from Idaho, or the States on the Pacific coast, where there do arise conflicts touching those of oriental nations who claim their protection under the treaties of the United States and under the laws of the United States, but particularly by virtue of our international relations; or in a certain section of our Southern States, who claim that privilege under a direct United States constitutional provision. Does the eminent Senator from Idaho fancy there will not be those, in the event of any difficulty arising, who will insist that as far as these are concerned it is their right to be protected by the National Volunteer Army; that it is not in the right of the governor now to call out the militia touching any conflict created by their position; that they have a right to be protected under Federal power; and there will be the insistence that the Volunteer force is the only one that could be called out, and that only by the President, under this bill?

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. LEWIS. Certainly.

Mr. BORAH. I have been impressed with the view which the Senator is now expressing. I have not taken issue upon that proposition. I simply want to hear the Senator's view of it. But one thing seems to me rather extraordinary in that connection, and it is that the oath which the member of the National Guard is required to take relates alone to his obedience to the laws of the National Government and obviates entirely the question of his taking an oath to support the laws of the States. I think that is quite in harmony with the suggestion the Senator has made, but I think it is perfectly futile. It will have a tendency to mislead, as the Senator says; but as a legal proposition it can not accomplish what they seemingly seek to accomplish.

Mr. LEWIS. Mr. President, we must all concede, as the Senator from Iowa [Mr. CUMMINS] this morning intimated, that there are these legal doubts concerning these provisions. No man can really say that this or that is a fixed rule of law concerning how far the Federal Government may go toward the State and how far the State may go toward the Federal Government. We have for the first time begun to federalize the guard and put it in a position of concurrence with the Federal Government. That is to say, for the first time we have gone to a greater extent than we ever have heretofore; and it is very natural that the members of the committee should have been more or less confused in their views, able lawyers though they are. It is equally very natural that we should find ourselves at variance. We are really upon a new question, and all that Senators can do is to express, each for himself, the viewpoint as he sees it, trusting to this body, which is assembled here to do the very best it can, and hoping that it will be able, from these viewpoints, to reconcile the situation to the best conclusion possible. Thus it is that I am pointing out what I feel to be the perils of the omissions and expressions and policies set forth in this bill.

Now, let me take one particular illustration to which I happened to hear the Senator from Iowa [Mr. CUMMINS] this morning allude. Here is the guard. It is made subject to the service of the Federal Government if after you utilize the Army and the second force, known as the Volunteer force, it shall ever be reached; and if it has enough of existence then, in its being reached, to be of service to anybody—and yet this provision for advisory staff eliminates the possibility of these men, whose lives must be at stake, whose destinies are thrown in the balance, having anybody here at the Capital concerned in their welfare or speaking in their behalf or prescribing anything concerning their obligations within the State or for the national welfare. They may die for the Nation but have no representation. That is another illustration of the peculiar ignoring of the Guard which I feel has not been the intention of the committee, but which, nevertheless, expresses itself in a spirit that ought not to be longer allowed.

Now, I must move to a conclusion.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. LEWIS. Certainly.

Mr. CUMMINS. Just a moment ago the Senator from Illinois made a suggestion that attracted my attention. I have not been able to hear his entire argument. I should like to ask him his view upon this subject:

Referring to section 56, which provides for calling out or organizing and training a certain number of men called volunteers, in doing so do we exercise the power given in Article I,

section 8, of the Constitution to raise and support armies or do we exercise our authority in organizing or calling out the militia?

It has been said to-day, and with a great deal of force, that the Regular Army, so speaking, is made up of men who are professionally soldiers; that is, they enter the service for a definite time, and for that time they have no other occupation. Now, we undoubtedly have the power to raise armies. Will these volunteers, when they are organized as provided in section 56, be a part of the Regular Army or will they be one form of militia organized to prepare and train for the event of war?

Mr. LEWIS. Mr. President, the Senator has submitted a question filled with very annoying situations; and, so far as I am concerned, it is one to which I must reply that, as to the matters he is doubtful about I do not know. This much I will say to the Senator: When I have comprehended and contemplated that situation I am compelled now to say, and I will warn the able Senator from Iowa—who has been the executive of a State having a splendid Guard—that if this measure passes both Houses, then whenever this volunteer army wishes to undertake anything that can be justified as a militia it will be found claiming its authority under the term "militia" as found in the Constitution. When it runs counter to the Guard, whenever it wishes to do a thing which it feels is within the Army powers, it will contend that it is done under the Army powers as distinguished from the militia powers; and there will be that conflict until the question finally gets to the higher courts for construction. It is that very form of conflict, I will say to the eminent Senator, to which I have alluded in discussing the subject with the Senator from Idaho and other Senators taking an interest in this discussion, that compels me to invite the attention of the committee to the danger it is producing.

Now, I ask you, Senators, what do you think was the reason of introducing the provision creating this Volunteer Army as against the Guard, which I hope to see federalized with the National Government, leaving two forces, the Army and the Guard, and then the power to bring in the citizens from the hillsides and the valleys and their doorways and their homes, properly trained, as an additional force? What do you think has been the necessity of the intermediate force to which I am now referring?

I shall not permit myself to be personal, but I invite your attention to some history. I impugn the motives of no man in this place. I pray I may be divorced here from a prejudice that compels me, at times, to express condemnation in other quarters.

Mr. President and gentlemen of the Senate, do you fancy that this particular provision is new? I do not pose here as having more information than any of you; but, gentlemen of the Military Affairs Committee, I am sure your attention must have been drawn to the fact that this provision, with slight changes, found its authorship in 1866. It was duplicated in 1878. It was condemned by Gen. Grant, who was a volunteer soldier in all his sympathies and his soldierly qualities; and finally it made its appearance again in 1898, following the Spanish-American War, under the name of the Hull bill; and there has not been a time following any war in this Republic since the Indian wars when there have not been certain gentlemen who have taken the landwehr of Germany, the militia, the intermediate force that Napoleon created for the protection of the interior of France, and reproduced it in some form, and handed it in here as something new and novel; and even in the case of so able a lawyer as the former Secretary of War there were certain insistent, delusive, and attractive forces in this Government that were able to influence that eminent official into the belief that he had brought forth a new thought.

And why? I speak what I feel, and I ask no man to join me. First, it must occur to you Senators there is no need of that force if the Guard be patriotic. There is no need of that if the citizens are patriotic, for the citizen who is patriotic would go into the Volunteer Army, would go into the Guard already in existence, already caparisoned, already equipped. Then why do you seek through an intermediate course a force wholly original, to be newly trained, newly drilled, newly caparisoned for duty, for which we have already the units needed, only to be added to?

I answer, as the learned Senator from Idaho stated, the Constitution of the United States does not say "officered by the States," referring to the National Guard. If it had, this provision for a volunteer army never would have been here.

Mr. President, we have a great many men in the Army, patriotic men, who have come out of West Point and other national service and have reached some deserts, but not all they were entitled to. They have waited for years to have some recognition, and it is a legitimate aspiration. These conditions, however, our Government has not afforded the opportunity for; these officers could not be appointed officers of the Guard, a lieutenant of the United States service could not be made a captain,



a captain could not be made a major, a major could not be made a colonel because of that provision which the Senator from Idaho says stands as an obstruction to the nationalization, and the chairman, the Senator from Oregon, points out, because under that the State officers the Guard. If the President could have officered them there would never have been that provision for the Volunteer Army introduced in the Senate nor would it have imposed on our former Secretary of War, who is a good lawyer—these officers who have brought forth this invention would have had their just ambition gratified in being officers of the State forces.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Wyoming?

Mr. LEWIS. Certainly.

Mr. WARREN. I think the Senator with his vivid imagination is "seeing things" that have not materialized, as far as information that he intimates has surrounded the Committee on Military Affairs is concerned.

Mr. LEWIS. I have not intimated or said such a thing.

Mr. WARREN. So far as I know not a member of that committee had any intention by any act or any suggestion to make the National Guard less but to make it more. But I will ask the Senator, with the conditions as they are, suppose we become involved in war with Mexico, which is not entirely out of the question.

Mr. LEWIS. It is to be hoped it is out of the question.

Mr. WARREN. If we were compelled to go down into that country and meet an army much larger than our own what would the Senator do then for recruiting forces? He would send for the Regular Army.

Mr. LEWIS. The recruiting forces, the Regular Army?

Mr. WARREN. Yes; he would send for the National Guard.

Mr. LEWIS. The Senator is asking me what I would do. I promptly say that in any such condition of war I would carry out the provision that called at once for a force, as we have done many times before.

Mr. WARREN. What force?

Mr. LEWIS. I would call promptly for the volunteer forces. They would be in such time of war, the Senator will recognize, under the control of the President of the United States. It is no longer a National Guard.

Mr. WARREN. But what forces would the Senator call?

Mr. LEWIS. Any force that is within the limits capable of filling the required allotment of men necessary at the time.

Mr. WARREN. We could not do it with the National Guard unless they should enlist as volunteers in the Regular Army.

Mr. LEWIS. Surely the Senator does not intimate that the National Guard would not volunteer its services.

Mr. WARREN. I do not.

Mr. LEWIS. Its services have been volunteered in the past and they would do it again.

Mr. WARREN. The Senator has, I think, been misinformed or he would not indulge in what seems to be jealousy, because it is proposed to have some prepared force additional to the Regular Army and additional to the National Guard, which costs but little for maintenance for a few days or a month in each year, to fill such an emergency as I have indicated, where the Regular Army is too small and where the National Guard can not be called upon as a National Guard to aid the national forces. I say that that is no insult to the National Guard, as stated by the Senator, and never intended as such. Those that may claim this to the Senator either do not know what they are talking about or what others are thinking about when it is intimated that there is an intent to insult the Guard, that this has been put upon the bill in the interest of West Point officers, when, as a matter of fact, of the officers of the Army only 44 per cent of them were West Pointers to begin with. The Senator is impugning not only West Pointers but he is impugning nearly two-thirds of the force who never saw West Point as students.

Mr. LEWIS. I trust the Senator has satisfied himself that he has made his speech that may be quoted in his Army circles to prove him the great advocate of the Army and myself the critic. I certainly have nothing against the Army, nor can I ever make any reflection on the Army. The Senator knows his observations were gratuitous and unnecessary. The Senator has seen fit to put into my mouth expressions which I never used. He flatters himself that he has said something that he will stand hereafter as the great sponsor of West Point. I assure the Senator I have made no allusion to West Point soldiers except to call attention to the fact that they had not obtained their deserts. I have pointed out a way for them all to get promotion and raise

of pay. This provision I condemn denies them both, yet flatters them with the prospect of superseding National Guard officials—

Mr. WARREN. Mr. President, it would be better, I think, for the Senator to answer the question. Of course, I do not mind the little ridicule in which he indulges. I accept it good-naturedly. But he has not told us yet what he would do in obtaining the additional force to take into Mexico.

Mr. LEWIS. If the Senator may be patient he will get a reply to all his inquiries. He may rest assured, since he has volunteered to make his speech in defense of some one who has not been assailed, his only purpose must have been to draw some benefit to himself at the expense of unjust criticism of me, for there was nothing from me calling forth such.

Now, the Senator says he assumes that I have exercised my vivid imagination.

Mr. WARREN. Did not the Senator say that these officers—I will not use the exact words, of course, of the Senator—have brought this about with their influence upon the committee to make promotions for themselves?

Mr. LEWIS. One can call the nature of a thing according to his own construction. I will repeat what I said, and as I repeat it and call your attention to it I think I will be able to verify it. First, I will say to the Senator the allusion that I have made to men from West Point was to call attention that large numbers of them come forth and have not received their deserts because of conditions that did not offer opportunities; that they could not be made officers of the State guard, because under this very provision those officers must be appointed wholly by the governor. I pointed out a way to use their valuable services to the State. Having made that observation once, I repeat it.

I also pointed out that if there had been places for these officers there never would have been a suggestion of intermediate force, because there would have been no incentive to create it.

The Senator from Wyoming, heretofore the chairman of this committee under a different administration, asks what I would do. I ask him, What did Lincoln do? What did the Presidents of the United States do when there was no such volunteer measure? What has ever been done? I would do exactly as has been the course of the Government for a hundred years. I would, if I were President, proceed to call out the forces, on the theory that we were at war, and so would come these volunteers, choosing their own officers or officered by the National Army, and the Army officers, whenever we could get their splendid skill, and we would get them in the exact measure we have heretofore. I would also indulge the assumption which my friend from Wyoming seems not to find agreeable, that the National Guard would be patriotic and diligent and would likewise serve their country.

I answer the Senator with another observation—

Mr. WARREN. Will the Senator allow me right there?

Mr. LEWIS. Certainly.

Mr. WARREN. I do not propose to be put in the position of taking any ground against the National Guard. I have belonged to the National Guard both as a private and as an officer, and I have in an humble way been in the Volunteer Army.

The Senator says he would raise an army as Lincoln did. If Mr. Lincoln had had a trained force of volunteers; it would have saved hundreds of thousands of lives, as we would do if we should go into war now if we had this despised force the Senator looks at, a volunteer force that may be trained and ready to go without sacrifice; but we have suffered heretofore from having called into war men entirely green and unprepared.

Mr. LEWIS. I do not know upon what assumption the able Senator from Wyoming assumes that I despise anything. I never used such an expression. I do not despise anything. I have been suffering much that was despicable at the hands of the Senator's party and the eminent Senator; but I never despised it or any member of it—I criticize, not despise.

But I pointed out to my able friend my viewpoint and I respect the viewpoint of every other Senator. I then answer the Senator as he has made an allusion which I have seen in print many times. I would like to call attention to the mistaken assumption and to say that if there had been this volunteer force to which my friend alludes and it had prevailed in all States of the Union, equipped, accoutered, provided for, previous to 1860, far from the advantage being to Mr. Lincoln there would have been a force of southerners who would have been so aided as to have made more difficult the then situation.

Mr. WARREN. I presume the Senator does not anticipate another civil war.

Mr. LEWIS. No; but my friend asked me as to what could have been done.

Mr. WARREN. The Senator does not expect such a comparison would be the same as that between the Republic of Mexico and the United States to-day.

Mr. LEWIS. No; I would not. Answering the Senator's question he asked me what I thought would have happened with Mr. Lincoln in his time if he had had trained forces. I answered that, while it had some benefit it also had a corresponding evil, so far as the Government of the Union is concerned, which has not been calculated by those who have made that very statement.

Mr. President, I ask the attention of the Senator from Wyoming to a statement of experience in military matters to verify the assertion I have made. I again assert if there had been places for many of these officers of the Army, whose splendid qualifications fit them for recognition by which they could have been appointed, or our Army had grown so large that there could have been places for them, there would not have been the suggestion of this intermediate volunteer force, because there was no need of it. It is plain that it would reopen many volunteer forces from the States who would be accessible to the Federal Government for any use in the world. I call the Senator's attention to the Hull bill.

Mr. WARREN. Will the Senator allow me?

Mr. LEWIS. Surely.

Mr. WARREN. I do not know of any commissioned officer in my acquaintance who has advocated the measure that we are now discussing unless it was referred to him and his advice asked. The inference the Senator tries to draw is that the ambition of officers who desire higher places has been the cause behind it all of our adopting this idea of a Volunteer Army. If that be true, I have never seen a shadow of it. That is all I can say, of course.

Mr. LEWIS. I will say to the Senator I can say nothing of these forces wherever they are seeking to obtain recognition of their merits except to approve such. They sincerely believe there should be an increase of the Army. Knowing in their hearts that there is a feeling in this country against a large increase in the Army, and knowing that they can not be officers of State guards, they sincerely believe that the creation of this intermediate course is justified by conditions of the time. But this creation of a force likewise gives opportunity to the scholars of military tactics which before did not exist.

I invite the able Senator's attention to the Hull bill. He was here in 1898. The provisions of the Hull bill contained a section—section 17, if I am not in error—that in the new organization of the Guards as certain members of the volunteer forces the President should appoint the officers. There was no provision to elect them between themselves, or choose them, nor in the States where these organizations were created was the power left in the governor. It was because of that opportunity—it was because of the particular privilege in that new bill—that there arose great opposition to it.

Now, the learned Senator will recall—and I must admit my turpitude, my culpability—that I was charged in those days with speaking of the West Point men as "satraps and sapheads," and that was sent out all over the United States and the State I then represented. This was to hold me up as being ridiculous and contemptible. Everyone knew I could never have said such a thing. It is well known that I, together with George B. McClellan, Member from New York, the son of Gen. McClellan, a veteran soldier; Col. Marsh, a Member from Illinois; and Gen. Grosvenor, Member from Ohio—these were the only Members who carried on the fight with me. We struggled as best we could to prevent that measure, but were unable; and when the fight was made on me, on the ground that I was opposing the organization of the Army, and I was being hissed from a waiting band of hopeful aspirants for commissions, I looked into the galleries where certain officers were caparisoned in gold lace and the soft sons of luxury breathing forth an air suggestive of golf links and tennis rackets, and who had come there in the hope of things they felt were going to transpire, I did say then, in response to this accusation, that I am in favor of an organization of the Army as it is being made; but then, on being hissed, I referred to the conditions I am now alluding to. I said, "I am in favor of an Army of soldiers." I see now my friend the Senator from Kansas [Mr. CURTIS], who was present, over there, and he will recall the expression. I said, "I shall demand the organization of the Army by soldiers; but I shall now, as I have heretofore, oppose the organization of the Army by tessellated military satraps on the one hand or gilded society sapheads on the other." I still stand there. I hope such a condition never existed, but in my mind at that time I so expressed the peculiar conditions. I call the attention of the able Senator from Minnesota [Mr. NELSON] to what happened. He called attention yesterday to

this form of organization and referred to the Guard. He painted it as a general merger and said it was officered by Army officers; and I say to the able Senator from Minnesota there were some officered by officers of the Army, but in most instances political favorites were given command, without regard to any experience or no experience in military matters of any kind. I call to his attention that in a few instances they were splendidly officered; but the trouble that arose, which gave us all our difficulty, was the thing to which I now invite the attention of the Senator from Wyoming.

I call the attention of the Senator from Iowa to section 56:

The President is hereby authorized, at any time, to organize, maintain, and train—

And so forth. You know the remainder of the act.

I read a part—

The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only.

Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

Officers of the Regular Army who receive commissions in the Volunteer Army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army.

Making the volunteer officers exact officers as it is now of the established Army. Then I will ask the able Senator from Wyoming to note that there is a provision by which the temporary appointment of this organization violates all the temporary-appointment laws I have ever known existing in our States. Heretofore, when a company organized in the way named, its officers were selected by the company temporarily. In the Army we know the system, but in this bill the—

Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

Officers of the Regular Army who receive commissions in the Volunteer Army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more.

I invite the attention of the able Senator from Wyoming that the provision there is almost identical. It enables the President of the United States to transfer any of the officers of the Army to the command of the Volunteer Army. I do not say it is a bad thing; I think it is probably an exceedingly good thing, if we are to have such an army; but I do respectfully call his attention that we now have a duplication of what Col. Marsh called attention to when he showed in 1898 that this measure was born in 1866. Now this, of 1916, was brought from 1898 all for the object that the Volunteer Army is to be officered by these members of our Regular Army, capable and efficient; and you will observe they are all but whose deserts ought be provided for by a proper increase of the Regular Army.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield further to the Senator from Wyoming?

Mr. LEWIS. Gladly. I am glad to have the views of my able friend.

Mr. WARREN. I have been following very closely what the Senator has to say, and he called my special attention to section 17. The Senator will remember that the officers of the volunteer forces always in the Civil War, and always at other times, so far as I know, were appointed by the President.

Mr. LEWIS. I quite concur with what the Senator has already said as to the army of the Civil War.

Mr. WARREN. It is true in some States the companies elected their officers and sent them, if they were in the militia, to the governor, or maybe sent them to the President; but, as a matter of fact, the President makes the appointments in the Volunteers, and always has done so.

Mr. CUMMINS. Mr. President—

Mr. LEWIS. I beg pardon. May I answer the Senator from Wyoming? In time of peace the President is to appoint the officers of the Volunteers.

Mr. WARREN. I mean in time of war.

Mr. LEWIS. Yes; I concur; and I have been contending that that is to be done in time of peace, and that I am opposing.

Mr. WARREN. We are preparing in the volunteer service for time of war, or we would not have a force.

Mr. LEWIS. I point out to the Senator from Wyoming that under the provisions, lest I misconstrue them, these officers, temporary and otherwise, in time of peace, when there is no war, are to be appointed from the Army. I am sure the Senator will not disagree with me there.



Mr. WARREN. They are assigned always, so far as I know, like officers for service with the Volunteers. They do that in war time, and this measure proposes to do it in peace.

Mr. LEWIS. The Senator and myself wholly agree as to that, and there is where I feel arises the great difficulty. I yield to the Senator from Iowa.

Mr. CUMMINS. I call the attention of the Senator from Illinois to the amendment to section 56 that has been reported by the committee, and I assume adopted. I am not sure about that, however. However, the amendment proposes a change in the section limiting the period of service to 30 days in each year. Obviously these volunteers do not become professional soldiers under the definition that we have heard more than once to-day with regard to the difference between Regular Army men and militiamen. With that statement, I ask the Senator from Illinois if I may kindly address a question to the Senator from Wyoming in his time?

Mr. LEWIS. I am delighted to serve the Senator.

Mr. CUMMINS. It is purely for information, for I have the greatest desire to organize the most efficient strength that we can organize within proper limits for the national defense.

The Senator from Wyoming, of course, understands that Congress has just two powers relating to this subject. First, it has the power to raise and support armies; second, it has the power to provide for calling out the militia and for organizing, equipping, and disciplining it. Will these volunteers who are to be raised under section 56 be parts of the Regular Army? Do we organize the volunteers under our power to raise and support an Army, and if we do, may we raise an Army merely for the purpose of training its members 30 days in the course of a year? What is the difference between such a volunteer force and the militia? There is no such thing, as we have been told this morning, as a national militia, and I want to be clear on the one point as to whether these volunteers are to be reckoned, from the time they are enlisted, as professional soldiers, members of the Regular Army.

Mr. WARREN. I will say to the Senator from Iowa that they are very much in the condition of the reserves of the Regular Army. They are all volunteers, but in the reserves, being trained as the others have been, to be called upon in case of war as reserves are called upon. They are not a part of the militia, in my view of it, and they become instead, as I have stated, a part of the Regular Army.

Mr. CHAMBERLAIN. They are enlisted.

Mr. WARREN. They are enlisted regularly. They are enlisted as a reserve force and are to be trained within certain limits, and are to be at the call of the country in case of its peril.

Mr. CHAMBERLAIN. Will the Senator from Illinois pardon me a moment?

Mr. LEWIS. I yield to the chairman of the committee.

Mr. CHAMBERLAIN. In answer to the question of the Senator from Iowa I will state that there is not any question but that they become a part of the enlisted force of the Army in time of peace, only to be called on for the purposes of training, but until the enlistment period expires they can be called on at any time.

Mr. WARREN. They are the Regular Army in reserve.

Mr. CHAMBERLAIN. Yes, sir.

Mr. CUMMINS. Mr. President, just a moment—

Mr. LEWIS. I yield.

Mr. CUMMINS. As I understand it, they have all the characteristics of the militiamen, as described by the Senator from Idaho, namely, they are not in the Army as a profession. They enter the Army retaining their individual avocations as much as do merchants, or carpenters, or masons, or lawyers, but they are not in the service until the event that war transpires, and they are called into it then to defend the country. I should like to know what the difference is between such a man and a militiaman.

Mr. CHAMBERLAIN. The great difference is, if the Senator from Illinois will pardon me a moment—

Mr. LEWIS. I yield. I would like to have these differences composed without considering me.

Mr. CHAMBERLAIN. The men who enlist in the Volunteer Army sign the regular enlistment blank that is signed by a Regular soldier, but it limits their use in time of peace to 30 days' training. As to the National Guard, we have proposed that in addition to the oath they take as guardsmen they shall have a dual oath added to it. They not only swear that they will answer the call of the governor of the State, but also to answer the call of the President of the United States.

Mr. CUMMINS. I am not asking now what provision we may make about the National Guardsmen, but I am trying to ascertain the status of these volunteer militiamen who

are entering the service just as a National Guardsman enters it—for the purpose of training and without the obligation to come to the colors until war or the imminence of war appears. I say, if we are to accept these views with regard to the difference between troops and militiamen and soldiers and militiamen, Congress has no power to bring such men into the service.

Mr. CHAMBERLAIN. Let me call the attention of the Senator to the decision of the Supreme Court in One hundred and thirty-seventh United States. The court held there—Mr. Justice Brewer, I think, delivering the opinion of the court—that signing the contract of enlistment changes the status of the individual. If his oath is to the State in one instance, the contract is directly with the State. To that extent the Senator from Idaho is absolutely correct in this contention.

But as to the National Guard it is proposed to go further than that, and an amendment I think will be offered recognizing the difference between the oath the man takes to serve the State and the one which he takes to serve the Federal Government. It proposes to put him in a dual position.

Mr. CUMMINS. I think there is no doubt about our authority to do that. I have not suggested a want of authority to do what is proposed in section 56, but I am trying to reconcile the differences that appeared this morning between the Regular Army man and a militiaman. The differences seem to be altogether in the character of their service. Whereas one served only for the purpose of training and maintained his place in society, the other gave his whole time to the country and became a professional soldier. I fear in view of the provisions of section 56 those differences will have to be accounted for in some other way.

Mr. LEWIS. Mr. President, referring in conclusion to the query of the Senator from Wyoming, I wish to call the attention of the able Senator, first, to the proposition respecting these officers being named by the Government. The Senator will surely recall that in the Spanish-American War the volunteer forces that went out from the States were not named by the President, but that they were designated, as the able Senator from Alabama [Mr. UNDERWOOD] calls to my attention from his experience, by the governors of the States or by the men themselves.

Mr. WARREN. Ah, but, Mr. President, they then became a part of the national forces the same as did the militia in the Civil War—the officers and men.

Mr. LEWIS. I ask the able Senator why should not that exact course be duplicated, if we shall have need of more men in any coming conflict, and followed exactly as it has been in the past, adding, however, to it a system that shall insure through discipline and organization our citizen soldiery possessing competent qualifications?

Mr. WARREN. It depends somewhat, of course, on what we shall do as to federalizing the National Guard; but it is perfectly plain that, in the present situation of affairs, if we want a force in addition to the Regular Army to be employed outside of the continental limits of the United States, we have got to have this force in some other form than as a National Guard. If the National Guard enlists as a volunteer force, and as United States troops, well and good; of course, they go into the national forces. All of the volunteers proposed in the pending bill are a part of the Regular Army in the sense that they are not responsible particularly, first, to the States, and, second, to the United States; but they are responsible only to the United States, almost exactly as are enlisted men in the Regular Army who have gone on the retired list, receiving smaller pay but ready at any time to respond to the call of the President and the War Department without reference to the States.

Mr. LEWIS. Mr. President, concluding—and my time has been taken by Senators who have offered me much advice, and have, I am sure, tendered many wise suggestions—I hold to my viewpoint that if we ought to have this intermediate force, then, with the Senator from Iowa, I think there can be no dispute that it ought to be a part of the Army, officered by West Point men or by any other efficient officers we could obtain. The more efficient they are the more necessary it is that they should be called into the service. That they have come from our schools, all the better; that they bring that splendid training to the Government, all the more to be commended; but they should be a part of the Army of the United States. In that I concur; with that I have been in accord; of that to-day I am an advocate; but if the attempt is to be made to create such an intermediate force, it will be neither Regular Army nor National Guard; and there is no place in the organization of this country for that form of service, either under the Federal Constitution or the State constitutions.

I ask my able friend from Wyoming to contemplate this: Does the able Senator from Wyoming, with his experience in military affairs, not recognize that the moment an attempt is made to have a volunteer force that will have nothing to say as to its officers, to be officered by gentlemen from far-off places, who know nothing of the men, and of whom they know nothing, we shall not be able to get enlistments? Will men enter into these organizations to have an officer who is a member of the Army, coming from a State far-away, a gentleman of whom he knows nothing, and who will naturally feel his social superiority to the men in the ranks, notwithstanding the gentlemen in the ranks may occupy the very highest place in the community where they live, not revolt from discipline? Is it to be assumed that under those conditions there can ever be obtained enlistments; that men will enlist under those conditions in a volunteer service which makes them so subordinate to their officers that they will be regarded as inferior and having no voice? Will it be assumed that you can ever get enlistments under such circumstances? My answer from my standpoint is that I do not feel that system will ever be a success; I can not see how it can survive; but if we desire an army that can be called upon in time of need we can increase the National Guard and add to the corps of Regular officers as we may need them and send them out to the National Guard from time to time to aid in the instruction, to act as drill masters and disciplinarians for our citizen soldiers. Then we will have a real volunteer army, as I see it, without the confusion which inevitably will follow the adoption of the plan proposed, and which might result in danger to our institutions.

Mr. President, let this Federal Government join concurrently, as Mr. Justice Story well says, and as Mr. Alexander Hamilton says, with the State governments, federalizing the State troops to the extent of affording them supplies and equipment and putting them on an exact level with the Regular Army for all national purposes, but leave them within their respective States subject to the sovereignty of the State, and to the command of the governor and the government of the State in wholly local affairs. Then, we will have two succinct, clearly defined forces heretofore recognized under the Constitution, justified under the decisions of the Supreme Court, and which have been under practice and not a stranger to the welfare of the Republic.

Mr. President, I have pointed out therefore wherein I feel the bill has a vice, but, as the Senator from Wyoming has said, not an intended one. The committee would have no object in such. If this has crept into the bill, it is because of misapprehension of its effect; and I am assuming to point out its effect as I see it and as it has been pointed out to me by those who are seeking the protection of their just interest and hoping to preserve the welfare of the Guard, by manifesting its dangers which I have assumed to describe.

Mr. President, I have occupied much time without intending to do so, but I feel that the time has been well occupied from the fact that the fallacy of my argument may have been disclosed or the virtue of it manifested on the part of able Senators in their interruptions and suggestions.

Mr. President, I have given utterance to these views in order that the committee may consider them. If upon examination they are found not to be well taken, then the committee no doubt will continue in its present position in adherence to the doctrines as set forth in section 57 of the bill. If these views of mine are conceived by other Senators to be worthy of consideration, then I trust that amendments at the proper place may be submitted by the committee, or, if not submitted by it, that they may be accepted by the committee when presented from other sources. My own purpose is to seek to preserve an organization for the defense of the country which shall have the respect of our countrymen and the affection of the members who constitute it; and not to embark on a course which at the outset will bring confusion and dissipate and destroy the very object to which we are turning our patriotic devotion.

I am necessarily advocating the interest of the National Guard; and I say that I feel their splendid service in the past entitles them to prime and first consideration. Indeed, my mind reverts, as I conclude, to the exquisite expression in the literary production of Ruskin, entitled "Sesame and Lilies," where he portrays the heathen woman confronting the civilized mother. The refined woman had displayed to the heathen one her jewels of adornment. The heathen woman, turning to her children and pointing to these brothers, the Gracchi, exclaimed, "Behold, these are my jewels." I would have our Government, remembering the National Guard, which has given such valorous service in the past, which has suffered so much in sacrifice for their civilization, when there is opportunity to reward them, I would have my Nation turn to the country, as did that heathen mother to the civilized mother, and, beholding that Guard in the

splendor of what they represent, say to the world, "These are my jewels."

Mr. LEE of Maryland. Mr. President, in considering the question of preparedness, which has been forced upon us by modern wars and modern conditions, we must needs be practical. We have got to consider the limitations of recruiting, the limitation of the possible number of soldiers who may be gotten to enlist, as well as the reasonable limitations of expense.

There has been universal testimony rendered before the committees of both Houses to the effect that it is impossible to enlist for the Regular Army, even with the greatest possible effort, more than 50,000 men in a year. Considering the limitation which that imposes, and considering the necessary reductions to any existing force by the operation of expiring terms of enlistment and other causes, it is inevitable that for adequate preparation there must be some resource, some means of providing military defense upon land other than what will come from these limited possible enlistments. I believe that there is probably no point upon which the authorities who have testified have been more harmonious than upon the question of the limitation of the number of men—the 50,000 annually—who can with extraordinary effort be secured by enlistment in the Regular Army under present conditions of national prosperity.

Under these circumstances we necessarily and naturally turn to other forces for defense. We naturally turn to the constitutional soldier mentioned in the Constitution with the Regular Army, and with equal degree of dignity with the Regular Army, namely, the militia of the several States, and consider the defense possibilities in connection with that militia. Although I do not wish to go far afield upon this general subject, but desire to speak to the amendment, in view of what has been said here to-day I want to read into the RECORD an extract from Gen. Washington's address, dated June 8, 1783, to the governors of the respective States recently emerged from the condition of colonies:

The militia of this country must be considered as the palladium of our security and the first effectual resort in case of hostility. It is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform; and that the same species of arms, accoutrements, and military apparatus should be introduced in every part of the United States.

Mr. President, such a result for "the militia of the continent" could come from but one source and but one power, and that would be exercise of Federal power throughout the whole of this country. How natural and inevitable it was that the hand that penned the quotation I have just read should have also signed, as President of the Constitutional Convention, the great provision in section 8 of Article I of the Constitution, which has been referred to here to-day and which I desire to place in the RECORD in connection with the quotation I just made from this official letter of Washington:

The Congress shall have power \* \* \* to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Further in the same section of Article I:

The Congress shall have power \* \* \* to make all laws necessary and proper for carrying into execution the foregoing powers.

Mr. President, the amendment of the Senator from Iowa provides for the addition to the General Staff of the Army of five representatives from the National Guard or Organized Militia, a very small percentage of the whole of the staff. Naturally, it is suggested that there should be this representation by reason of the present relationship of the National Guard to the United States Army.

It was said here on the floor the other day that we have in the United States a mobile force of 30,000 men in the Regular Army. We have in this country also in the Organized Militia a mobile force of 134,000 men.

Is it inconsistent with the proportions to add to 95 officers on the General Staff, representing the 100,000 soldiers of the Army of the United States in this country and elsewhere, 5 National Guard officers, who represent 134,000 organized troops to join in consultation upon mutually important strategic questions? It is quite consistent, Mr. President, with some degree of representation and with a natural progress in harmony and cooperation which should exist between these two defending forces of our country. When you come to the question of mobilization, as I suggested this morning, the Senator from New York [Mr. WADSWORTH] on yesterday mentioned how the General Staff, having some question of mobilization to consider, sent for a National Guard officer to get from that officer the details and information absolutely necessary in considering the details involved.



I wish to read to the Senate now a quotation from a report by Capt. Mott of the United States Field Artillery, made in 1905, appearing on page 137 of Senate Document 796, presented by the Senator from Oregon [Mr. CHAMBERLAIN]. Capt. Mott calls attention to the question of mobilization; refers to what Switzerland can do in connection with mobilization with her highly organized citizen army, and points out that that citizen army of disciplined Switzers can be organized and handled quicker than our Regular Army can mobilize 30,000 Regular soldiers in this country. That is a statement of a Regular Army officer. Capt. Mott says:

Switzerland can mobilize an army corps in three days, ready in every particular of organization, equipment, munitions, and transport, to march against the enemy; they can mobilize four such corps at one and the same time.

In Senate Document 360, which I presented to the Senate, there is conclusive evidence to show that Switzerland did mobilize 200,000 men in 10 days at the beginning of the great war, and that her mobilization was probably more prompt than either that of Germany or of France. Capt. Mott goes on to say:

Just how many days it would require to concentrate in one place 30,000 of our Regulars with all their baggage and transport, or how long to assemble four such commands of Regulars and militia it is difficult to say, but probably it would be nearer three weeks than three days.

The Swiss mobilize their entire force every summer. Our country has never had any adequate preparation or experience in this respect. We should mobilize the whole National Guard of this country in proper military units every summer as a whole or combined with the Regular Army to make the action complete and educating the country and the military officers to the details of great military movements.

In the consultations which should take place as to mobilization and other military matters some representatives of the numerically greater existing force, the National Guard, should have their appropriate place on the General Staff, and I submit that 5 per cent of the consulting body of these conjoined military forces is not too great a proportion to concede to the National Guard. What I have already said illustrates in one aspect the necessity of this representation.

There is another matter to which I wish briefly to call the attention of the Senate, and which I think will illustrate in a different way the necessity of representation of the National Guard upon the General Staff. There is a great deal of information and a great deal as to the policy of general preparation that does not seem to be easy to get when it operates in favor of the citizen soldier. I have been since the middle of February to the middle of this month collecting, from sources which should have been able to give it at once, the information contained in Senate Document No. 360, as to the efficiency of the Swiss citizen army. If the Senate will take the trouble to read that document, they will see where difficulties and delays have occurred. They will see that there was an order of the Secretary of War preventing the giving out by the War College of this information, so that it was necessary for me to apply through the State Department to the Swiss military authorities for their permission to use information that really should have been directly and readily available, because it was in respect to matters that occurred in a neutral country, and, as is said in the letter of Maj. Lawton, could be seen by almost anybody standing on the corner of any road or street in Switzerland.

Mr. President, I wish to correct certain figures and apparent estimates that appear in the report of the committee and that appear on page 5077 of the CONGRESSIONAL RECORD. In doing so I desire to call attention to the fact that I do not believe this correction would have been necessary; I do not believe that it would have been necessary for me to write the letters which I did write to the Secretary of War, or that it would have been necessary for the Secretary of War to have answered me in the way he did, or that the committee would have been misled, as they apparently have been misled, by the figures which have been furnished to them from some source, if we had representation of the National Guard upon the General Staff. Mr. President, I will ask permission to put in the RECORD without reading the letters to which I refer.

The PRESIDING OFFICER. Without objection, permission is granted.

The letters referred to are as follows:

UNITED STATES SENATE,  
Washington, March 25, 1916.

Hon. NEWTON D. BAKER,  
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: There seems to be considerable difference in the estimates apparently being made in connection with the cost of the National Guard under the Hay House bill and Senate bill 4840. I have understood at the department that one estimate under the Hay bill is \$25,000,000, whereas another estimate for somewhat similar provisions under the Senate bill 4840 is \$46,000,000.

A new estimate is now being made, I believe, of the Hay bill provision on the plan of the estimate made for Senate bill 4840.

I would like to be informed in some detail as to the estimate covering \$25,000,000 or a little over as cost of the provisions under the Hay bill, and also what would be the cost under the Chamberlain bill, estimating the same way as the Hay bill.

I would also like to have the details of the estimates covered by Table XII in the report of Senator CHAMBERLAIN on Senate bill 4840—cost of volunteers, total, \$24,944,000.

Respectfully, yours,

BLAIR LEE.

WAR DEPARTMENT,  
Washington, March 28, 1916.

Hon. BLAIR LEE,  
United States Senate.

MY DEAR SENATOR: Referring to your letter of March 25, requesting information concerning apparent discrepancies in estimates of costs furnished in connection with bill S. 4840 and bill H. R. 12766, I may say in general that the War Department has furnished statements to the Committees on Military Affairs of both the Senate and the House, but is not informed as to the exact combinations of figures or the emphasis placed on the different items so furnished. It is believed that the sums arrived at in Table XI, page 25, Report No. 263, part 1, of the Senate Committee on Military Affairs on bill S. 4840, sets forth the original cost of the National Guard for the years covered in the table. In order to arrive at what would be required in the estimates for 1917, it would be necessary, therefore, to deduct the value of the material already in the hands of the militia. Preliminary figures available indicate that for the fiscal year 1917 estimates will be submitted by the Division of Militia Affairs amounting to approximately \$14,000,000, and that the Quartermaster Corps will submit similar estimates amounting to approximately \$11,000,000; making a total of approximately \$25,000,000 for the militia under these two items. It is assumed that this is the sum which you have in mind and to which you refer in the third paragraph of your letter.

You will note that this does not take into consideration any of the ordnance equipment, which includes small arms, field cannon of various calibers, with their carriages, nor the ammunition for either, both of which are very large items. The exact figures for these items, based on the provisions of bill H. R. 12766, have not yet been arrived at.

I am submitting to the Committee on Military Affairs of the Senate to-day tables pertaining to bill H. R. 12766, which have been figured on the same basis as for bill S. 4840; a copy of these is inclosed.

With reference to paragraphs 3 and 4 of your letter, I am inclosing also copies of statements which have been submitted by the War Department in connection with bill S. 4840, showing the cost of volunteers under the provisions of that bill.

Sincerely yours,

NEWTON D. BAKER,  
Secretary of War.

MARCH 29, 1916.

Hon. NEWTON D. BAKER,  
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I have received yours of the 28th with inclosed data and beg leave to thank you for same.

Unfortunately, however, this information comes in such shape as to be of very little use unless it is otherwise clarified and explained. For instance, referring to the sums arrived at in Table XI, page 25, report No. 263, part 1, of the Senate Committee on Military Affairs bill S. 4840. Your letter states that the items arrived at set forth the original cost of the National Guard for the years given in the table, but goes on to add that in order to arrive at what would be required in the estimates of 1917 it would be necessary to deduct the value of the material already in the hands of the National Guard. As the value of this material is not given, the sum required to provide for the National Guard for the first year can only be ascertained by further information.

Another difficulty is that Tables XI and XII fail to give the numbers of troops involved. Presumably from some of the substatements the minimum authorized is used for the first column, and at the end of the fourth year the maximum is arrived at. An explicit statement of the numbers would seem to be desirable.

Another suggestion, if you will permit it, would be that there is no summary or recapitulation of Tables XI and XII, or, what is more especially desirable, the first years of each with reference to the details desired and presumably furnished. I have been able to check off some of these details, but the bill being on the floor now for consideration by the Senate I should think that this statement from the department should be more explicit.

I will keep the papers sent me, as they may be of service in connection with other information sent to Senator CHAMBERLAIN, and I would respectfully suggest that my letter of March 25 be referred back to The Adjutant General together with this letter as tending to possibly lead to a more lucid statement.

As a further suggestion, taking page 25, Tables XI and XII, above referred to, and adding the numbers of men estimated for under each, what would be the average cost of a national guardsman under column 4, and what would be the average cost of a volunteer under column 4, and looking at this cost from a double aspect; first, the aspect of all that has been expended in the four years to create the individual guardsman under the fourth year; and, second, carrying forward to the cost of the guardsman of the fourth year only such elements of expenditures in the first three years as provided material in the hands of the guard in the fourth year and with a similar estimate for each volunteer in the fourth year?

As illustrating an objection to the figures given under the first year in Table XI—cost of the National Guard—above, I am advised that the National Guard already has equipment for 151,594 men, and I infer, although it is not positively stated, with reference to this first year's estimate, that it is an estimate for 87,000 men.

Respectfully, yours,

BLAIR LEE.

WAR DEPARTMENT,  
THE ADJUTANT GENERAL'S OFFICE,  
Washington, March 31, 1916.

Hon. BLAIR LEE,  
United States Senate.

MY DEAR SENATOR: The department is in receipt of your letter of the 29th instant, asking for further information concerning the items referred to in Tables XI and XII, page 25, Report No. 263, part 1, from the Senate Committee on Military Affairs, on Senate bill No. 4840. The figures showing the cost of the National Guard and of volunteers, in the tables referred to, appear to have originated with the Senate Committee on Military Affairs, although based on data

presumably obtained from the different bureaus of the War Department. Every effort will be made to give you the additional information that you now desire, and your letter has accordingly been referred to the Chief, Division of Militia Affairs, and the Chief of Ordnance for remark, and they will be requested to furnish the data needed at the earliest practicable date, it being pointed out, however, that the assembling and comparison of the figures underlying those presented in the tables may take some little time.

However, I shall do everything possible to expedite the furnishing of the information that you ask for.

Very sincerely, yours,

H. P. MCCAIN,  
The Adjutant General.

UNITED STATES SENATE,  
March 30, 1916.

Col. GEORGE W. MCIVER,  
Division of Militia Affairs,  
War Department, Washington, D. C.

MY DEAR COL. MCIVER: I have a letter from the Secretary of War dated March 28 in which he forwards some estimates in connection with Senate bill 4840 and referring more especially to Table XI of report 263, page 25, part 1, being the first year's total cost, \$46,349,800, and says, "In order to arrive at what would be required in the estimates for 1917 it would be necessary, therefore, to deduct the value of the material already in the hands of the militia." This is necessary because, as he states in his letter, the \$46,349,800 sets forth the original cost.

I am desirous of knowing how much material is already in the hands of the militia which would have to be deducted to arrive at the requirement for 1917.

Respectfully, yours,

BLAIR LEE.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
DIVISION OF MILITIA AFFAIRS,  
Washington, March 30, 1916.

Hon. BLAIR LEE,  
United States Senate.

MY DEAR SENATOR: I beg to acknowledge receipt of your letter of March 30, 1916, in which you request to be furnished with the value of the material already in the hands of the militia, and in reply thereto to inform you as follows:

Value of field equipment in the hands of the—	
Infantry of the Organized Militia	\$6,927,549
Cavalry	954,336
Field Artillery	8,127,172
Engineers	146,718
Signal Corps	481,653
Coast Artillery	559,488
Sanitary troops	406,439
Total	17,603,355

The above figures do not include such reserve equipment that is known to be on hand in several of the States over and above their present needs, equipment of Coast Artillery armories, and ammunition. It will therefore be necessary to add to the above figures the value of this equipment, which is estimated to amount to approximately \$1,800,000, making a total estimated value of the equipment now in the hands of the militia as \$19,403,355.

Very respectfully, yours,

G. W. MCIVER,  
Colonel Infantry,  
Acting Chief Division of Militia Affairs.

Mr. LEE of Maryland. I will proceed to requote portions of the letters, and especially wish to call particular attention to the portions of the report of the committee which seem to me to be in error. To briefly illustrate the situation, I read from the letter of March 28, 1916, from the Secretary of War to me, as follows:

It is believed that the sums arrived at in Table XI, page 25, report No. 263, part 1, of the Senate Committee on Military Affairs on bill S. 4840 sets forth the original cost of the National Guard for the years covered in the table.

In order to arrive at what would be required in the estimates for 1917 it would be necessary, therefore, to deduct the value of the material already in the hands of the militia.

And from the letter of Adj. Gen. McCain, dated March 31:

The figures showing the cost of the National Guard and of Volunteers in the tables referred to appear to have originated with the Senate Committee on Military Affairs, although based on data presumably obtained from the different bureaus of the War Department.

But the most instructive letter is that of Col. McIver, Acting Chief of the Division of Militia Affairs, dated March 30, in response to my letter of the same date, in which he concludes that the amount of material or the equipment now in the hands of the militia is valued at \$19,403,355.

Mr. President, according to this letter from the Acting Chief of the Militia Division the first-year cost column of Table XI of the report, and on page 5077 of the RECORD, which adds up \$46,349,800, must be reduced \$19,403,355 for the equipment now in the hands of the guard, and when so reduced it will represent a very liberal first-year cost.

In order to start the proposed volunteers on even terms of expense as compared with the National Guard it has been necessary to charge the guard, as of the present time, with a large part of the money spent on them in the last 12 years, which has averaged annually \$5,118,863.39. And to do this the cost column, Table XI Senate committee report, also page 5077 of the RECORD, has been made to include as a first-year cost, and without further explanation, this \$19,403,355 money expended in past years and representing equipment now in the hands of the Organized Militia.

The Senate bill suggests a reduction of the National Guard from 134,000, actual present strength, and 153,000 authorized strength under existing law, to 106,200, a reduction of 27,800 men from actual strength and of 46,800 men from the present authorized strength. If we take the reduced number proposed by the Senate committee and divide it into the improperly enlarged first-year cost, namely, 106,200 men into \$46,349,800, we get an apparent first-year cost of \$437 as the average for the National Guard, and which is a greatly exaggerated first-year cost and, as I now show, greater by more than 50 per cent than the true first-year cost.

If, on the other hand, we deduct the value of equipment now in the hands of the Organized Militia and improperly included, I think, in the first-year column of Table XI (\$46,349,800 less \$19,403,355), it leaves us a more correct estimate of what must be expended the first year for the National Guard, or \$26,946,445.

To get the average cost, divide this sum by 106,000, the reduced number apparently contemplated by the Senate committee for the National Guard, or by 134,000, the present actual strength, or by 153,000, the present authorized minimum strength, and we get in the first instance \$254, in the second instance \$201, and in the third \$176, as the first-year cost per man of the National Guard. The lowest is the most nearly correct, but the average is \$216, or a first-year cost per man of less than half of that which is indicated by the committee's table, as published in the committee report and put in the RECORD at page 5077.

The chairman's statement at the bottom of page 5077 of the RECORD is apparently based on an error, as the force provided for by the first-year column of Table XII is not 261,000, but only 56,829 men.

The first year cost of volunteers—Table XII, page 25, Senate report—may be arrived at by dividing \$24,944,938 by the 3,036 officers and 53,793 men it provides for, and this gives a first-year volunteer cost of \$439 per man.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. LEE of Maryland. Certainly.

Mr. CHAMBERLAIN. Are the figures that the Senator is reading and the estimates he is now giving the Senate prepared by the War Department?

Mr. LEE of Maryland. What I am criticizing now is the column presented by the Senator from Oregon as chairman of the committee.

Mr. CHAMBERLAIN. No; but I am asking now if the estimates which the Senator has, and by which he seeks to correct those given in the RECORD, are given to him by the War Department?

Mr. LEE of Maryland. The only estimate that I necessarily have to have, to correct this view of the Senator's that 261,000 men are provided for by this first-year column of Table XII for the volunteers, is as to the actual number of men calculated for in that column. I have that estimate from the War Department, and they put it down as 3,036 officers and 53,793 men.

Mr. CHAMBERLAIN. But the Senator has given a good many figures and a good many estimates. I just wanted to know whether those were figured out by him or some one under him, or whether they were figured out by the War Department?

Mr. LEE of Maryland. The number of men provided for in the first-year volunteer column I have from the War Department.

Mr. CHAMBERLAIN. But the dollars?

Mr. LEE of Maryland. The dollars I get from the Senator's estimate, as published by him.

The explanation of the committee's preference for the proposed volunteer force may be found at page 5077 of the RECORD, where the chairman states, in response to my question, that the first-year estimate in Table XII provides for 261,000 men, which would give an average of \$95 for first-year cost—an obvious impossibility, and contrary to the express statement of the War Department, which I can submit if desired.

The true comparison for the average first-year cost of the National Guard and the Volunteers is between \$216 for the Organized Militia force and \$439 for the Volunteer force; and these figures do not express some of the obvious advantages of the National Guard. The guard have had not only \$19,000,000 and more already spent upon them by the United States, but also have the advantage of between \$100,000,000 and \$200,000,000 in armories and the annual appropriations of all the States.



If the equivalent proper and necessary expenditures were added to the Volunteer first-year cost, that would, in my judgment, largely increase the National Guardsman's advantage as to cost, so that it would be expressed better by a comparison of \$216 to \$500; but without adding any cost to the Volunteer first-year estimate, such as is represented by the State armories and annual State appropriations, the advantage in first-year cost to the National Government of the guardsman over the proposed Volunteer force is as \$216 is to \$439. And the very fact, Mr. President, that these figures and corrections have to be brought in here in this way shows the necessity and the propriety alike of some representation of this great force of citizen soldiers upon the strategic body of the United States Army.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Georgia State Camp, Patriotic Order Sons of America, of Americus, Ga., praying for an increase in armaments, which was ordered to lie on the table.

He also presented resolutions of the United States Chamber of Commerce, favoring the enactment of legislation to prevent dumping of European products in the United States at the close of the European war, and also for the enactment of legislation to promote industrial efficiency and to protect and develop industries in the United States, which were referred to the Committee on Finance.

Mr. PHELAN presented a petition of the Woman's Club, of Watsonville, Cal., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 292, Musicians' Union, of Santa Rosa, Cal., and a petition of the Federated Trades and Labor Council of San Diego, Cal., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Wyoming, praying for an increase in armaments, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Hood River, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of 2,651 farmers in the State of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

He also presented a petition of Major John C. Durst Camp, No. 40, United Spanish War Veterans, of Lansing, Mich., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. BURLEIGH presented a petition of Local Union No. 13048, Federal Labor Union, of Millinocket, Me., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of 17 citizens of Pittsfield, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the petition of S. K. Kamaipili, of Honolulu, Hawaii, praying for prohibition in the Hawaiian Islands, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. POINDEXTER presented the memorial of Lyman H. Wilnot and sundry other citizens of Eglon, Wash., and the memorial of C. D. Raymer and sundry other citizens of Seattle, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Walnut Grove Grange, Patrons of Husbandry, of Grandview, Wash., praying for Government ownership of the telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of E. O. Hagberg and sundry other citizens of Venersborg, Wash., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented memorials of Calispell Grange, No. 500, Patrons of Husbandry, of Cusick; of Liberty Grange, No. 272, Patrons of Husbandry, of Granger; and of Walnut Grove

Grange, Patrons of Husbandry, of Grandview, all in the State of Washington, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of College Place, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of South Basin Grange, Patrons of Husbandry, of Orin, Wash.; and a memorial of Pomona Grange, Patrons of Husbandry, of Outlook, Wash., remonstrating against the passage of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which were ordered to lie on the table.

Mr. WADSWORTH presented a memorial of the Common Council of Hudson, N. Y., remonstrating against the enactment of legislation to provide a literacy test for immigrants, which was referred to the Committee on Immigration.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented a memorial of Pomona Grange, No. 40, Patrons of Husbandry, of Laurel, R. I., remonstrating against any change in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Grange No. 51, Patrons of Husbandry, of Anthony, R. I., and a petition of sundry citizens of Providence and Kingston, all in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CATRON presented petitions of sundry citizens of Buchanan and Yeso, in the State of New Mexico, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE presented memorials signed by A. Lawrence Lowell, president of Harvard University, and sundry other citizens of Cambridge, Mass., remonstrating against the separation of the Cambridge (Mass.) postal station from the Boston (Mass.) post office, which were referred to the Committee on Post Offices and Post Roads.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 5346) granting a pension to Henry W. Buckley; and  
A bill (S. 5347) granting a pension to George Seaver; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5348) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes; to the Committee on Public Lands.

By Mr. McLEAN:

A bill (S. 5349) to amend section 4414 of the Revised Statutes of the United States relating to the appointment of local and assistant inspectors of steam vessels; to the Committee on Commerce.

By Mr. PHELAN:

A bill (S. 5350) granting a pension to Susan E. Cline (with accompanying papers);

A bill (S. 5351) granting a pension to Rose Butcher (with accompanying papers); and

A bill (S. 5352) granting an increase of pension to Viola E. Webster (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5353) to correct the military record of John Brown; to the Committee on Military Affairs.

A bill (S. 5354) granting an increase of pension to Susan Liggins;

A bill (S. 5355) granting a pension to John B. Chandler; and  
A bill (S. 5356) granting a pension to Joseph Zimmerman; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5357) granting a pension to E. P. Lewis;

A bill (S. 5358) granting an increase of pension to Matilda Stoneback;

A bill (S. 5359) granting an increase of pension to Louise D. Finley; and

A bill (S. 5360) granting an increase of pension to Philip Robuck; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5361) to encourage military instruction in certain educational institutions; to the Committee on Education and Labor.

By Mr. SMOOT:

A bill (S. 5362) to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to Cyrena E. Young; to the Committee on Public Lands.

#### THE JUDICIAL CODE.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

#### NATIONAL DEFENSE.

Mr. GORE. I submit an amendment to the pending Military Establishment bill, which I ask may be printed in the Record.

There being no objection, the amendment was ordered to lie on the table and be printed, and to be printed in the Record, as follows:

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, viz: On page 196, after section 120, add the following:

"SEC. 121. That before the next succeeding 13 sections of this act shall be administered in any State the legislature thereof shall assent to the same.

"SEC. 122. That the term 'school board' as used in this act shall include any board of regents, board of trustees, board of commissioners, or any other duly constituted authority having legal control and direction of an eligible school as hereinafter defined and having power to employ the members of the faculty thereof and to determine courses of instruction therein.

"SEC. 123. That eligible schools for the purposes of this act shall consist of universities, colleges, academies, high schools, and other secondary schools, not including those institutions to which officers from the active or retired list of the United States Army are now or may be hereafter detailed under existing law which have a bona fide enrollment of not less than 50 male students 16 years of age or over and which have in their employ an instructor qualified, in the judgment of the Secretary of War, to impart suitable military instruction and training.

"SEC. 124. That in addition to the requirements and conditions enumerated in section 123 of this act the Secretary of War shall have the power to prescribe such requirements and conditions and to make such rules and regulations as may be necessary to carry into effect the provisions of sections 121 to 134, inclusive, of this act.

"SEC. 125. That any school board desiring to secure the benefits of this act in behalf of the school or schools under its control and direction shall make and file with the Secretary of War an application to that effect upon a form to be prescribed and furnished by said Secretary. Said application shall state specifically the character, amount, and other conditions concerning military instruction and training to be required by the Secretary of War, and shall include any information that may be required by said Secretary. The board shall also specifically declare its desire to secure the benefits of this act in behalf of the school or schools under its control and direction, and shall obligate itself to the faithful observance and execution of the terms and conditions of this act and of the rules and regulations made in pursuance thereof. The board shall also in its application specify the name of the instructor expected and qualified to impart the required military instruction and training, together with the amount of the total annual salary contracted to be paid such instructor.

"SEC. 126. That upon the receipt of any application fulfilling aforesaid requirements, and if, in the opinion of the Secretary of War, the public interest will be subserved thereby, said Secretary shall ascertain the qualifications of the instructor designated to perform the duties required by this act, and if said Secretary is satisfied as to his fitness, said instructor shall be designated as a military instructor of the United States.

"SEC. 127. That before any such instructor shall enter upon the discharge of his duties, he shall subscribe to the oath of office required of officials of the Government of the United States, and the school board employing such instructor shall execute to the Secretary of War, in such form and in such amount as he may require, a bond for the safe care and keeping of all property of the United States furnished to said board.

"SEC. 128. That when such bond shall have been executed and such instructor shall have entered upon his duties, the Secretary of War is hereby authorized and directed to pay to such instructor from time to time an amount not exceeding two-fifths of his stipulated salary in any one scholastic year: *Provided*, That in addition to such payment upon his salary, the Secretary of War may pay to such instructor an additional sum not exceeding 20 per cent of such salary at the end of the scholastic year, to be based on and graduated by the fitness and efficiency of such instructor: *Provided however*, That the Secretary of War is hereby authorized to discontinue such arrangement and such payments whenever the services of such instructor shall prove unsatisfactory or whenever his employment shall be discontinued.

"SEC. 129. That the Secretary of War is hereby authorized to enter into an agreement with any school board for admittance to military instruction and training of all male persons of suitable age who are not duly enrolled as students in such school.

"SEC. 130. That the Secretary of War is hereby authorized to supply to school boards rifles, side arms, and other necessary military accouterments for the use of persons receiving military instruction and training in pursuance of this act.

"SEC. 131. That the Secretary of War is hereby authorized and directed to prepare for the files of his office from the names of men who have graduated from any educational institution to which an Army officer has been detailed as military instructor under existing laws a list of persons qualified to give military instruction and training; and said Secretary may furnish such list upon request to any school board desiring to take advantage of this act.

"SEC. 132. That whenever the legislature of any State shall give its consent the Secretary of War is hereby authorized to enter into an arrangement with the State superintendent of public instruction of such State for the furnishing of such information and for the performance of such other service in the administration of this act as may be mutually agreed upon by said Secretary and said State superintendent of public instruction; and for compensation for such service the Secretary of War is authorized to pay such superintendent not exceeding \$500 per annum to be graduated in accordance with the character and amount of such service.

"SEC. 133. That to carry into effect the provisions of this act the sum of \$ is hereby annually appropriated out of any money in the Treasury of the United States not otherwise appropriated; and all payments for the purposes of sections 121 to 134, inclusive, of this act shall be made by the Secretary of the Treasury upon the warrant of the Secretary of War.

"SEC. 134. That the Secretary of War is hereby authorized to require such reports to be made by the school boards having in charge the schools benefited by this act and to make such inspections from time to time as he may deem necessary and proper."

Mr. BRANDEGEE. I submit an amendment to add to the committee amendment proposed by the Senator from Oregon [Mr. CHAMBERLAIN], which I ask may be read.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

Amend the amendment proposed by the committee on page 106, end of section 2, as follows:

"Strike out the words 'one hundred and eighty thousand' and insert the words 'two hundred and fifty thousand' and add at the end of the amendment the following:

"*Provided further*, That in addition to the units specified in this section, additional units of Infantry, Cavalry, or Field Artillery to conform in composition with the requirements of sections 19, 20, and 21 of this act may be organized in the discretion of the President; but in no case shall the additional units so organized exceed in total enlisted strength the number of 50,000 men."

RECESS.

Mr. CHAMBERLAIN. Mr. President, I do not know of any other Senator who wishes to address the Senate this evening. I therefore move that the Senate take a recess until Monday at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m., Saturday, April 1, 1916) the Senate took a recess until Monday, April 3, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

SATURDAY, April 1, 1916.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we thank Thee for a great country, a great people, a great past, and for the promise of a greater future. And we most earnestly pray that every American citizen may be inspired with a patriotism which shall make him loyal to its sacred institutions, a patriotism broad enough and strong enough to render unto others the privileges which he desires for himself in his civil, political, and religious preferences, that we may live together in peace and harmony and grow in everything that makes a nation truly great, and strive to live in peace with all the nations of the earth, ever remembering that "righteousness exalteth a nation, but sin is a reproach to any people." So may we live, prosper, and grow valiant in the things which make for righteousness. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CAL.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 4671, agree to the Senate amendment, and pass the bill, and that an identical House bill, which is now upon the calendar, be laid on the table.

The SPEAKER. The Chair lays before the House the Senate bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4671) to exempt from cancellation certain desert-land entries in Riverside County, Cal.

*Be it enacted, etc.*, That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and sections 3, 4, 5, 6, 7, 8, 18, and 19, in township 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1919, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date. The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been had. If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pend-



ing and undetermined by said May 1, 1919, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding two years.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. HAYES. The Senate amendment was read in the bill. Mr. MANN. The question is on unanimous consent.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Reserving the right to object, what is the effect of the Senate amendment as compared with the House bill?

Mr. HAYES. The House bill is recommended by a unanimous vote of the Committee on the Public Lands to be amended in exactly the same particular.

Mr. MANN. The Senate bill follows the amendment which the House committee reported.

Mr. HAYES. It simply cuts out some provisions at the end as to further extensions, and limits the bill as it was originally introduced.

The SPEAKER. The gentleman is talking about an amendment. Is it a Senate amendment?

Mr. HAYES. Yes; a Senate amendment.

The SPEAKER. Then it comes over here as a part of the bill.

Mr. SPARKMAN. Mr. Speaker, I want to ask where this will lead us? How much discussion is there to be on it?

Mr. HAYES. None at all.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the similar House bill (No. 11081) will be laid on the table.

There was no objection.

#### RIVERS AND HARBORS.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the rivers and harbors bill.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12193, the rivers and harbors bill.

The motion was agreed to.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12193, the rivers and harbors bill, with Mr. SHERLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12193. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. DUPRE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DUPRE. How much time remains for general debate under the agreement?

The CHAIRMAN. Fifty-five minutes remain to the gentleman from Florida [Mr. SPARKMAN] and 70 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. MANN. Each 70 minutes?

The CHAIRMAN. No; 55 to the gentleman from Florida and 70 to the gentleman from Washington.

Mr. SPARKMAN. Mr. Chairman, will the gentleman from Washington use some of his time now?

The CHAIRMAN. Does the gentleman from Florida desire to be recognized?

Mr. SPARKMAN. I yield seven minutes to the gentleman from Maryland [Mr. LINTHICUM].

The CHAIRMAN. The gentleman from Maryland [Mr. LINTHICUM] is recognized for seven minutes.

Mr. LINTHICUM. Mr. Chairman, of late we have heard a great deal about preparedness. The whole country seems to be on tiptoe demanding proper defense in the event of an attack by any foreign power. We all are in favor of preparedness and the proper protection of this country against anything that may happen.

There is a subject, however, which I feel is almost as vital to the American people as preparedness, and that is the protection

of our food supply. The vitality of the people is the strength of the Nation, and the proper protection of foods and their sources of supply is of the utmost necessity for this vitality.

We have enacted a great deal of legislation and spent much money in the protection and inspection of the meat supply of the country. We have endeavored to protect the children from undue hardships and to prevent their employment in factories under certain ages, because it is detrimental to their strength and their ability to become useful, healthy, and prosperous citizens in later years. There is one subject, however, which it seems to me has been utterly neglected by Congress, and to a great extent by the various States throughout the Union, and that is the dairy and dairy products of the land.

For that reason I have introduced into this House a resolution providing for the appointment by the Speaker of a committee of five Members of the House, whose duty it shall be to investigate and report as speedily as practicable, as follows:

(a) Whether conditions prevailing in dairies and dairy products seriously menace the health and property of the people of the United States.

(b) Whether Federal inspection and supervision, either alone or in cooperation with State and municipal inspection and supervision, is necessary to the reasonable protection of the health and property of the citizens of the United States.

(c) If so, then the best and most economic methods of inaugurating and enforcing such inspection and supervision.

#### WIDE USE OF MILK AND MILK PRODUCTS.

Milk and milk products enter more universally into human health and happiness than any of all the foods. The safety and good name of milk and milk products should be guarded by Federal, State, and municipal authorities more carefully than any other food, and yet Congress has paid less attention to this, the greatest of all human necessities, than to any other food affecting the health and vitality of our people. So far as the National Government is concerned, dairies, creameries, and centralized plants and butter factories may be said to run wide open.

It is widely claimed that outrageous crimes are committed by the manufacturers of butter against the American people and vast frauds against the revenues of the Government and the good name of American-made goods in foreign markets.

I am not prepared to say whether these facts are true, although I am prepared to quote the testimonials of many people and the editorials from many reputable papers and magazines of the country showing their belief in its correctness. If these charges are true, then it is the duty of Congress to investigate and to pass such legislation as may be necessary to remedy the evil. If they are untrue, then Congress should, by proper investigation, show this to be the fact that the uncertainty now prevalent among our citizens may be alleviated and the real facts known, so that the people may freely and unceasingly avail themselves without fear and trembling of this splendid product, the most nutritious, useful, and, when produced and distributed under proper sanitary methods, the most healthful of all.

#### NEW CONDITIONS.

It may be said by some, Why has it become necessary for Congress to investigate the dairies and dairy products of the country? Have they not continued for years and years under present conditions and have not our people thrived as perhaps no others in the world, and why, then, is there danger arising from this source?

We must remember in connection with this that conditions have changed in reference to dairies and dairy products as well as they have changed in reference to the other food products of the country. There was a time when the farmer's wife prepared the butter in the cool spring house with definite care and cleanliness, and it was carried to market and sold directly to the consumer. Then came the time when creameries sprang up in every milk-producing neighborhood. The fresh milk was carried directly from the farm to the creamery in the near-by village, where the cream was separated and made into butter and the separated milk returned to the farmer for such purposes as he might apply it on his farm. The butter made from it was known as whole-milk butter and was well made, cleanly, fresh, and usually pure. Then came the present situation. New methods created by virtue of our greater population and the unusual demand for these products resulted in the centralizing factories, to which milk is shipped for hundreds of miles to be made into dairy products. The new situation brought new conditions on the farms and among the purchasers of milk. The long-distance hauls made delays beneficial until large quantities for shipment could be collected.

Then came the question of stale milk and cream and the further question of the methods used by the centralizers in preparing this stale milk and cream so that it could be made into butter. The question of the use of coloring matter in butter, so



that no matter how impure, no matter how long it had stood, no matter how unclean it might be, it could be covered and hidden from the general consuming public by this coloring matter, the contents of which in itself is usually impure and unhealthy.

#### INVESTIGATION.

This situation having arisen, the National Government, through the Department of Agriculture, felt the necessity of making some investigation into the dairies and dairy products industry. The department reported the situation in the Annual Report of the Department of Agriculture for 1912, pages 315 to 334, in which it says that cream is frequently shipped great distances to creameries to be made into butter and is very often received in such a filthy and putrid state as to be thoroughly unfit to enter into composition of a good product; that an examination of 1,554 lots of cream after being delivered to the creameries and cream-buying stations showed that 957, or 61.5 per cent, were of third grade, i. e., cream that is dirty, decomposed, or very sour; that an inquiry covering 715 creameries, located in six States, showed that only 196 pasteurized their cream, while 519, or 72.6 per cent, do not pasteurize the milk so as to destroy any disease germs that might be present; that as disease-producing germs are known to survive a long period in butter made from unpasteurized cream, and as butter is eaten in the raw state, this product when made under such conditions as prevail in the majority of creameries can not be said to be wholesome and free from danger to human health; that millions of gallons of cream that has been allowed to stand in the barn, in the cellar, or in the woodshed until it is sour or decomposed is sent to the creamery and without even being pasteurized is made into butter.

Referring to this report of the Department of Agriculture, Hoard's Dairyman, in an editorial February 21, 1913, commenting upon the report, says:

Is the butter industry working under conditions about which we must speak in whispers and behind closed doors? Are we hiding a skeleton in the closet? Dare we not speak the truth about American butter making without shuddering, lest the truth will be used against us? Where are we at anyhow? \* \* \* We know that there has not been a dairy convention for years but at which one of the subjects that absorbed the most earnest attention was the bad cream conditions. Resolutions have been passed and passed again. Grading systems have been created only to go to pot. \* \* \* The cry is, "Something must be done," but nothing has been done. All have favored reform and yet reforms have not come.

No one familiar with the facts, and finding himself behind suitably closed doors, has denied the conditions. That these conditions must be remedied before the butter-making business is above criticism is an axiom.

There are certain tendencies in the creamery business that are demoralizing to the last degree. We refer to the willingness of creameries to accept poor, badly decomposed cream, knowing if they do not the cream will go to a competitor. The large centralized creameries have been the chief, although not the only, sinners in this respect. They have invaded the territory of the local creameries and forced them to let down the bars to all that is bad in cream.

In conclusion the editor says:

Would it not be the wiser part to act on the suggestions of the Department of Agriculture and secure inspection that will remove all further criticism and put the dairy business on a higher plane, at least as high as has been vouchsafed to the packing business by the Government?

The same journal as late as November 5, 1915, page 458, complaining, says:

Much is said and but little done about the importance of patrons delivering a better quality of cream to our creameries. Too many feel that if they refuse to accept anything but good cream they will suffer financially, that competitors will drive them out of business.

In the American Food Journal, November, 1915, page 566, it is said:

There are practically three grades of cream used: First, Sweet cream, from which is manufactured the highest quality of butter, known on the market as "whole-milk" butter, which is produced only in the smaller creameries of the Northern States which draw their supply of butter fat from within a radius of a few miles.

Second, What is known in centralized creameries as No. 1 cream, which is of a fair flavor and which will respond to the use of chemicals or what is known as "neutralizer." \* \* \* When this cream is churned it makes a commercial grade of butter of passably good quality, which is in fact the standard creamery butter of the country.

Third, Stale cream or cream that foams or that has contracted some foreign flavor, such as coal oil, due to age or poor handling, graded commercially as No. 2.

A. W. McCann, pure-food editor of the New York Globe, in a series of editorials in that paper and largely quoted in National Pure Food News, describes conditions as he claims to have found them on a recent tour of investigation through the creameries and butter factories of several Western States. He says that in a pasteurizing creamery in Chicago he found men working over full tubs scraping the surplus off with a stick, squeezing it with bare hands into lumps, and flopping it into empty tubs, and that flops of butter hanging from the tubs were picked up from the floor and put back into the tubs, and that it was called pasteurized butter. He claims that in a pasteurizing plant he found processed, renovated, and ladle butter

being manufactured. In the ripening vat of one plant he says dirt was scattered over the surface of the pasteurized cream. In another creamery, also pasteurizing, he says he found an open sewer trap ejecting sewer gas into the plant, and girls working with their bare hands in the print room, one of them was coughing, and that there was no medical supervision in the institution. He claims the same conditions are characteristic of hundreds of Illinois creameries and centralizing plants.

He claims to have visited a Wisconsin creamery and to have seen a lot of cream received which was so fermented that one can had blown the top off, notwithstanding the shipper had taken the precaution to tie the tops down with a tar rope. He says he saw rotten cream neutralized with whitewash before churning; that in this dairy, as was the case with hundreds of others, some of the cream was sour, some stringy, some lumpy, some vile smelling, some merely dirty.

Referring to McCann's charges, Prof. Farrington, head of the dairy school of the University of Wisconsin, is quoted in the Chicago Dairy Produce, November 22, 1915, page 22, as saying:

I am not going to offer up any excuse for a lot of the bad conditions that do exist in the Wisconsin creameries, and the same will apply to the creameries of all other States. There is poor-cream conditions on many of the farms in Wisconsin; poor cream is taken at a great many of the creameries and made into poor butter. I believe I am safe in saying that 90 per cent of the creameries of the State do not pasteurize.

In the Chicago Dairy Produce, August 7, 1915, page 22, it is said:

The introduction of the hand separator opened avenues for poor cream way beyond the possibility of the old gravity system. For example, 90 per cent of the hand separators in dairy use throughout the country receive improper care, and on many farms the cream is allowed to accumulate from 3 to 10 days exposed to all sorts of contamination, and without proper methods of cooling before it is hauled to the creamery. The result is inevitable, a poor grade of butter, for which is received a correspondingly poor price. Last year 63 per cent of the butter in Minnesota was classed as seconds and thirds, and butter of these grades is not considered of high enough quality to satisfy the taste of the average consumer. Now, the reason poor cream is hauled to a creamery is not because the farmer does not know better, but he has been used to think that if one man does not take his inferior produce another would.

Prof. T. L. Hnecker, head of the dairy department of the University of Minnesota, is quoted in the Rural Weekly, St. Paul, Minn., November 4, 1915, as saying:

The butter produced in St. Paul and Minneapolis is not fit to eat. It comes from the centralizers of those cities, and these centralizers are a menace to the dairy industry. Men and women who will pasteurize skimmed milk for their hogs and neglect to pasteurize milk, butter, and ice cream for their children deserve to be classified with the hogs. If they understood what we who are said to occupy higher places understand concerning the dangers of raw dairy products, Congress would pass a law overnight forbidding the manufacture of butter except pasteurized butter for interstate commerce, and all the milk of the country would have to be pasteurized before its consumption.

\* \* \* Take one centralizer, for instance, in St. Paul. I happen to know that at this place cream of all ages is used. It oftentimes takes a long trip, generally in cans not free from germs; then it is all dumped into one big lot and the butter made from that; such butter is dirty and impure. If the cattle from which the cream comes have tuberculosis, there may be chances of infection; but even if it does not cause tuberculosis, it certainly can cause intestinal disturbances.

The Butter, Cheese, and Egg Journal of December, 1915, in speaking of the chemicals used in cream for neutralizing the acidity, says that they stand with any individual or publication in the condemnation of that practice, and further:

We take this stand unhesitatingly, as we feel sanguine that it has been the ruin of the quality of the bulk of American butter, and so long as dope will be permitted to be used in cream, so long will the United States make a poor quality of butter and so long will the farmers receive a low price for their cream.

\* \* \* It will only be a question of time that the deodorizing processes will be tolerated, and the sooner the practice is prohibited the sooner the creamery business will be placed on a satisfactory and rational basis (p. 11).

The protection of those who eat ice cream is the aim of the New Rochelle (N. Y.) Board of Health. \* \* \* It was said that ice cream being a milk and cream product is just as popular a breeding medium for bacteria as milk, and ice cream that is made from low-grade milk or other materials, or which is not kept properly, is quite as dangerous for human consumption as low-grade milk.

#### COLORING MATTER.

Mr. Chairman, it is my idea that if the creameries of the country propose to use coloring matter for their butter, then this fact should be known to the consumer by the proper marking of the covering containing same. The purchaser should know that he is using a food product so colored as to make it attractive or perhaps for the purpose of rendering its impurities less ascertainable. I earnestly hope I shall see the day when coloring matter will be eliminated from the manufacture of butter. It is useless, except for looks, and from all the data I can obtain as to the composition of the coloring matter, it is insanitary and generally unclean and should not be used.



Those who have a desire to ascertain more as to the ingredients of this coloring matter need but turn to Wagner's Chemical Technology, published in 1887, by D. Appleton & Co., page 523, or Allen's Commercial Organic Analysis, volume 5, published by F. Blackiston & Co., Philadelphia.

It is not commonly known among consumers that the great bulk of butter is colored in imitation of the June product. The butter thus painted sells for considerable over its true value, while if not colored it would mean a saving of millions of dollars to the consumers, money which at the present time is being spent in the innocent support of a fraudulent practice. If butter is to be sold artificially colored, why should it not be made obligatory to state this fact upon the label?

As Hoard's Dairyman has well said, milk is so constituted that the eye can not detect careless handling to which it may have been subjected and so its quality can not be determined. When purchasing many other commodities the eye assists the purchaser in selecting the desired grade; hence we see the crying need of some way to ascertain quality in milk for the information of the consumer so that he can be sure of getting quality in milk when quality is sought.

The act of Congress of August 2, 1886, as amended May 9, 1902, defines butter to mean "the food product which is made exclusively from milk or cream, both with or without common salt, and with or without additional coloring matter," and under this act the Department of Agriculture has ruled that artificial coloration of butter is not required to appear upon the label.

Does it not seem strange that oleomargarine should be prepared under Government inspection, thus protecting the consumer against unwholesomeness and allowing the producers whatever commercial advantages there may be in inspection, while no such benefits are offered in the case of butter? From the standpoint of the consumer there is just as much need for inspection of one as of the other—quite apart from any question as to the merits of the two products.

I feel that the manufacturer of good butter is just as much entitled to have the Government, by inspection, give him its guaranty as is the manufacturer of oleomargarine or the dealer in meat products.

The American Food Journal, December, 1915, says:

Oleomargarine is now being manufactured under Federal inspection, the same as we suggest for butter, and bears on each container the legend "Inspected and passed by Department of Agriculture, under the act of Congress of June 30, 1906." Can the creamery man afford to permit the oleomargarine manufacturer to have this tremendous leverage in his favor?

#### CAUSES DISEASE.

Mr. Chairman, there is, however, another vital point connected with this investigation which I have inaugurated, and that is the effect of milk obtained from tubercular cattle upon the consumer.

Shocking as are the charges of uncleanness, worse still is it that these products are among the most active agents in spreading disease. Tuberculosis is one of the diseases which may be passed from animal to man. Tubercular bacilli are frequently found in milk and butter. Hoard's Dairyman of December 31, 1915, quoting H. L. Russell, Dean of the Wisconsin College of Agriculture, says:

There is no use of talking. The fact is that there is an element of danger in the presence of bacilli in milk. It is, however, now thoroughly well recognized that this danger is very much greater in the case of infants and young children than with adults.

A considerable fraction of glandular tuberculosis which develops in connection with the cervical gland and glandular organs associated with the intestines are produced by the ingestion of tubercular milk from bovine sources. It is also recognized that the tubercular bacilli may live in butter, if such product is made from infected milk and cream.

From the twenty-fifth annual report of the United States Bureau of Animal Industry, page 148, I find that a fair average of our dairy cows infected with tuberculosis is about 20 per cent, and that tuberculosis occurs to some extent in about 30 per cent of our dairy herds.

D. E. Schroeder, in a hearing before the Committee on Agriculture in the Sixty-first Congress, said:

The remarkable thing found by Dr. W. H. Park and his associates was that among a certain number of fatal cases of tuberculosis among infants 10 per cent is due to bovine sources. Among a certain number of children under 5 years of age, not all of which were fatal, something in the neighborhood of 26 per cent was due to bovine sources; among children between 5 years of age and 16 years of age about 16 per cent was due to this source; and he estimates that 15 per cent of all American tuberculosis is of bovine origin.

It is also shown by estimates—

Said Mr. Schroeder—  
that 60 per cent of the bacilli in a sample of milk is concentrated in the cream.

In the twenty-fifth annual report of the Bureau of Animal Industry, page 152, it is said:

The conclusion is almost forced upon us that a tubercular dairy cow is, to say the very least, one of the most important sources of tubercular bacilli with which we have to deal.

In an examination made by Park, of the New York City Board of Health, says Milk Hygiene by Moeller and Eichhorn, page 106, and so forth, the presence of bovine tuberculosis in man is as follows:

In adults 955 cases were examined, of which 940 showed human infection and 15 bovine infection. In children from 5 to 16 years of age, out of 177 cases examined, 131 were human infection and 46 bovine infection. Among children under 5 years of age, out of 368 cases, 292 were of human infection and 76 of bovine infection.

Furthermore, Park mentions the very suggestive results obtained from nine children under 6 years of age who were fed exclusively on cows' milk at the Foundling Hospital; five of these children died of bovine infection and four of human infection. On the other hand, in the Babies' Hospital, where the children are nursed or fed on prescription milk, out of 63 children dying of tuberculosis, 59 deaths were brought about by human infection and 4 by bovine infection.

If we compile the result of these figures—

Says he—

the following conclusion may be seen: That although tubercular cattle are less dangerous for men than is tuberculosis of man, the danger from the enormous spread of the disease in our herds, and especially among the dairy cows, should in no way be underestimated. Therefore the requirement of the elimination from dairy herds of all tubercular animals which pass tubercle bacilli with their milk appears to follow as a matter of course.

The Forecast, of December, 1915, page 399, says:

The Department of Agriculture several years ago proved conclusively that disease germs survive in butter kept in cold storage for five months and suffered no diminution in virulence in three months.

Other investigators, working independently in various parts of the world, have proved with equal conclusiveness that children are the chief sufferers from the bovine type of tuberculosis, which is so prevalent in cattle that it is useless to think of its immediate eradication. The only protection for our children, until this can be accomplished, is pasteurization.

There is no escape from the conclusion, therefore, that in permitting the use of milk or milk products without pasteurization we are responsible for the slaughter of innocents compared with which that of Herod was a trifle; and many of those whom we do not kill we maim and cripple for life, for the deadly tubercle bacillus attacks the bones, joints, and glands of the unhappy little ones rather than their lungs.

In an address by Prof. A. W. Rudnick at the Iowa Dairy-men's convention he is quoted in the Chicago Dairy Produce, November 2, 1916, as follows:

Tuberculous cattle are kept on one farm; the milk or cream is brought to the creamery; skim milk or buttermilk is taken home by other patrons as food for the various animals, thus spreading tuberculosis over the entire community. In one community where a study was made of this problem only three herds were found to be free from tuberculosis.

The by-products are not the only substances that offer means of spreading disease. The butter itself may carry disease. We have known that some investigators found that out of 1,233 samples of butter examined 163, or 13.2 per cent, were found to contain these organisms.

I have thus endeavored to give quotations and figures from many people who have made a study of tuberculosis in dairy cattle—an exhaustive one—but there is far more that I could use to uphold my position had I sufficient time and space in which to use it.

#### REVENUE FRAUDS.

There is another important phase of this subject, however, about which I will not have much to say, and that is the phase which covers in dollars and cents the loss to the Government. My particular interest in this subject is to protect this extremely important food product in the interest of the children and adults of the country; to make it wholesome and pure as well as nutritious; to prevent the spread of tuberculosis and other diseases by impurities and disease germs contained in the dairy products of the country and the dairy cattle of the land. While I merely mention the loss of revenue, it is not one in which I am very deeply concerned, because when a subject is merely a question of dollars and cents it can be borne without material injury to anyone; but when it comes to a question of the health and happiness of our people, then it is one which strikes at the very root of the Nation. Suffice it to say, however, that while these charges of widespread, unclean, and diseased condition of dairies and dairy products are generally made, there are other charges against the dairy and butter business as at present conducted in the United States which is likewise of grave concern, and that is the fact that by reason of noninspection of the dairies and dairy products of the country by the National Government vast revenue frauds are perpetrated. For example,

the annual report of the Secretary of the Treasury for 1915, page 139, says:

One case was discovered during the current year where the amount out of which the Government had been defrauded reached a total of \$1,503,203.30, which sum represented the tax on the product manufactured for a period of six years. These frauds had continued undetected, all of the product in this case having been placed on the market as butter without payment of any tax.

This was classed as an oleomargarine fraud, because it was claimed that under the law all butter into which any foreign fat is introduced is removed from the classification of butter to that of oleomargarine.

Butter factories being free from inspection, it is said, are able to get into their factories oils, artificial colorings, and so forth, and thereby greatly increase their output which they sell as if it were butter. It is not claimed, of course, that any large percentage commit this fraud, but from articles appearing in the papers from time to time it would appear that it is not an uncommon thing.

#### TOO MUCH MOISTURE AND SALT.

It is likewise claimed that too much moisture is used in the manufacture of butter and, of course, increases its weight and is sold at the price of butter when it is merely water. In the Chicago Dairy Produce, February 1, 1916, its New York staff correspondent is quoted as saying:

The excess moisture trouble is not a new one by any means. Last summer and early this fall, when 10,000 or more tubs of good table butter was being exported weekly to England, the amount of excess moisture discovered was not only surprising but appalling, and quite a number of concrete instances were given these columns.

Exporters were greatly discouraged, as so many of their purchases had to be turned back after moisture test had been made. For weeks and weeks at a stretch all the dairy organs discussed the excess-moisture question, during which time a number of creamery men who had been heavily fined were exposed, but it is the same old story.

In the Chicago Dairy Produce, September 7, 1915, it is said:

Nine arrests were made in Brooklyn, N. Y., Thursday of last week by Federal authorities, alleged butter frauds being charged. It is said that there is a trust back of the alleged violators of the Federal law. Assistant United States District Attorney Henry Ward Beer, who has charge of the prosecution, said he is determined to break up the trust. According to Beer, the agents of the alleged trust have driven legitimate dealers of farm products out of business by underselling them with inferior products.

In the Chicago Dairy Produce, November 16, 1916, page 2, it is said:

All over the country there is a movement on to demand purity in all food products and a demand for State or Government action or laws to insure purity in all foods. We need to get the idea of and the necessity for pure dairy products more prominently before our minds.

In a communication sent out last week, said this journal, the Agriculture Department is calling attention to criticism from Great Britain of cheese recently exported from the United States to that country. Our cheese makers are accused of making cheese with an abnormally high-water mark and a consequently poor quality.

In connection with these alleged evils I would call attention to the address of B. H. Rawl, chief, Dairy Division, of the Department of Agriculture, before a meeting of the National Dairy Council, November 5, 1916, page 31, in which he mentions the fact that while in 1881 the United States had an export business of 150,000,000 pounds of cheese a year, it was gradually reduced until in 1914 it amounted to practically nothing. While prior to 1881 there was comparatively small importation in this product, now we are importing something like 50,000,000 to 60,000,000 pounds.

Then there is the charge of too much salt. The New York correspondent of the Chicago Dairy Produce is quoted, November 2, 1915, page 12, under the heading "Too much salt," as follows:

If it is not one thing it is another it seems. For weeks it has been necessary to discuss the abundance of excess moisture in butter coming to this market, which, by the way, is still coming, but in lesser amounts, fortunately. Now, it is necessary to complain about the butter being overloaded with salt.

The Chicago Dairy Produce, October 12, 1915, strikes the right key when it says:

For a considerable time past the question of the unwholesomeness of butter as it is marketed to-day and the consequent danger to health incident to its consumption have been very generally discussed by the daily press and the creamery-trade papers, creamery men's associations, food commissioners, woman's clubs, and medical associations. It would be quite in keeping with this knowledge and moreover consistent with sound business policy for the American creamery man immediately upon the assembling of Congress to demand that the Department of Agriculture take over the supervision of the manufacture of butter and cheese and establish a system of inspection. Should the confidence of the American people in dairy products be weakened or shaken, the consumption of these products would very naturally suffer a decline. The National Dairy Council's decision a few days ago to expend some \$600,000 in promoting a larger consumption of dairy products will result in a useless waste of money if the adverse publicity now appearing in the columns of the press is allowed to proceed; and since there is no good or valid defense against the truthfulness of this publicity, we believe that our suggested solution of the difficulty is the only one practical. The trend of the times is for bet-

ter food, better health, better living conditions, better physical men and women, better things to live for. The people have suddenly come to a realization of their needs, their ills, and their rights.

I do not propose, Mr. Chairman, to take up any more of the time of the committee at this time. I have alluded to many things and given data which seems to sustain the resolution which I have introduced. I believe that we need proper supervision and inspection under the Agriculture Department, and that we would by such action not only vastly improve the dairies and dairy products of the country and remove to a great extent the cause of so much disease arising from impurities in this industry, but we would also place the industry itself upon a high plane, from which it would make wonderful progress, not alone by the increase of consumption of the products in this country, but by a much larger export business. In this view I am sustained by innumerable resolutions and letters from organizations of all kinds and men and women occupying important positions of trust. The whole sentiment and demand is for action not words. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, I ask permission to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, will the gentleman from Washington use some of his time?

Mr. HUMPHREY of Washington. I yield 10 minutes to the gentleman [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for 10 minutes.

Mr. TOWNER. Mr. Chairman, I am glad so many yesterday expressed their objection to the consideration of this bill at this time. I voted against considering it yesterday, and I shall vote against its passage. Neither the immigration bill nor the rivers and harbors bill are necessary for consideration at this time. There is a necessary program of legislation which consists of three classes—national defense, appropriations, and revenue bills. All other bills, while important, should be deferred until this necessary and imperative legislation has been secured. The House can not justify itself in taking up other bills until this necessary legislation is passed. To take up a week's time as we did in considering the immigration bill, while bills of the necessary character referred to were deferred, was unwise. To take up a week's more time now with the consideration of this bill is wholly unjustifiable. If bills belonging to the necessary program were not ready, there might be some excuse for taking up other matters.

Mr. SPARKMAN. Mr. Chairman, will the gentleman yield for a brief question only?

Mr. TOWNER. Yes.

Mr. SPARKMAN. Is not the river and harbor bill a regular appropriation bill?

Mr. TOWNER. Yes; but not a necessary one. There have been many times, many years, when no river and harbor bill was passed. My point is this, I will say to the gentleman: That while this may be an important bill, it is not a necessary bill for consideration, especially ahead of and displacing the bills that should be immediately considered.

Mr. SPARKMAN. In those years when no river and harbor bills were passed by Congress provision was made for works in progress by anterior bills; bills that had passed theretofore. Occasionally three years passed without a river and harbor bill, but appropriations were arranged for three years ahead.

Mr. TOWNER. But that does not change the fact that now there is no necessity for passing a river and harbor bill, but there is an absolute and imperative necessity that we should now pass these national-defense bills and appropriation bills and revenue bills.

It was possible immediately following the passage of the military bill to have at once entered upon the consideration of bills necessary to be passed, and to have continued their consideration until the necessary legislation was passed. The Agricultural appropriation bill has been ready for consideration since March 4. It must be considered and passed.

The Diplomatic and Consular bill has been on the calendar since March 17. It is necessary.

The Senate has sent us a bill doubling the number of cadets at West Point.

It has also sent us a bill authorizing the construction or purchase of an armor-plate plant.

I am informed that the fortifications bill is ready to be reported.



These are national-defense bills, and no other matters should be allowed to precede them.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The gentleman does not object to continuing work already in progress, where large amounts of Government money are at stake?

Mr. TOWNER. I do not object to the consideration of such projects, but I think that now we ought to make these other questions to which I have referred primary and bills such as this secondary.

Mr. MOORE of Pennsylvania. If a dam has been partially constructed in the middle of a river, and the failure of this bill will mean the cessation of work upon that dam, and great waste will result, does not the gentleman think that such a condition would put this bill in the category of necessary bills? I will say to the gentleman that that condition does prevail in many parts of the country.

Mr. TOWNER. I am aware of the gentleman's interest, and I appreciate it.

Mr. MOORE of Pennsylvania. It is not a personal interest.

Mr. TOWNER. I know it is not a personal interest, and this is a great question; but my proposition is that we ought not now to displace these necessary matters of national defense and appropriations and revenue for this bill, which is not necessary at this time.

Mr. MOORE of Pennsylvania. Will the gentleman permit one more question?

Mr. TOWNER. I have such a small amount of time—

Mr. MOORE of Pennsylvania. I beg the gentlemen pardon. I will not trespass upon it.

Mr. TOWNER. I am aware there has been much unwarranted criticism of Congress for its inactivity. Congress has met promptly and fully every demand made upon it by the Executive for provision for national defense. It will continue to do so. But there is a measure of responsibility which is our own, and that consists in disposing of our necessary duties before we take up unnecessary ones. While the press of the country is holding Congress responsible for delays in legislation, which is not justly ours, we should be very careful that we promptly and fully perform those duties which are justly ours. We can not justify ourselves before the country for thrusting aside national defense measures to consider what the country believes to be a "pork-barrel" bill.

It has been stated in the press and elsewhere that these unnecessary bills are pressed now because it is believed they will not be considered at all this session unless they are forced in ahead of necessary legislation; that Congress will be likely to adjourn at once on having completed such necessary program. I hope no one has been authorized to make such statement. It is utterly indefensible and discreditable. To so act would merit all the condemnation we have received and more.

I sincerely hope no other unnecessary bills will be thrust in to delay consideration of the program of necessary legislation. I believe it to be the duty of every patriotic member of the House, no matter how it may affect bills in which his constituents may be particularly interested, to vote against the consideration of every bill which is not a part of the imperative legislation until that program is completed. [Applause.]

Mr. BENNET. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Fifty-eight Members are present—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Anthony	Copley	Focht	Howard
Austin	Crago	Gallagher	Hutchinson
Bacharach	Crosser	Gallivan	Igoe
Bailey	Dale, N. Y.	Gard	Johnson, Wash.
Barchfeld	Dale, Vt.	Gardner	Jones
Beales	Dallinger	Garrett	Kahn
Browne	Darrow	Glass	Kearns
Browning	Davis, Minn.	Godwin, N. C.	Kelster
Bruckner	Dent	Graham	Kennedy, Iowa
Burnett	Dewalt	Gray, N. J.	Kennedy, R. I.
Caldwell	Doolling	Greene, Vt.	Kless, Pa.
Cantrill	Doremus	Griest	Kreider
Carew	Drukker	Hamill	Lafan
Carlin	Dyer	Hastings	Lehlbach
Carter, Mass.	Edmonds	Haugen	Lewis
Cary	Edwards	Hay	Liebel
Casey	Emerson	Heaton	Lindbergh
Chandler, N. Y.	Estopinal	Henry	Littlepage
Clark, Fla.	Fairchild	Hill	Loft
Coady	Farley	Hilliard	Loud
Coleman	Fess	Hood	McArthur
Collier	Finley	Houston	McCracken

McCulloch	Oakey	Sabath	Sutherland
McKenzie	Oldfield	Scott, Pa.	Swift
Maher	Olney	Scully	Talbot
Meeker	Patten	Shackelford	Tinkham
Mooney	Peters	Shouse	Vare
Moore, Ind.	Pou	Siegel	Venable
Morin	Price	Slayden	Walker
Morrison	Ragsdale	Slemp	Ward
Moss, W. Va.	Relly	Smith, N. Y.	Watkins
Mudd	Riordan	Snyder	Watson, Pa.
Neely	Roberts, Mass.	Stedman	Williams, W. E.
Nelson	Roberts, Nev.	Steele, Pa.	Wilson, Ill.
Nichols, Mich.	Rodenberg	Stephens, Cal.	Wingo
Nichols	Rowe	Stiness	Young, Tex.
Norton	Rowland	Sumners	

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the river and harbor bill, H. R. 12193, and finding itself without a quorum, he caused the roll to be called, whereupon 286 Members, a quorum, answered to their names, and he reported the names of the absentees to be printed in the Journal and RECORD.

The SPEAKER. Two hundred and eighty-five Members, a quorum, have answered to their names, and the committee will resume its sitting.

Accordingly the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill, H. R. 12193, with Mr. SHERLEY in the chair.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] has 51 minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, a few days ago my distinguished friend from North Carolina [Mr. KITCHIN], the majority leader, made one of his brilliant and characteristic speeches upon the floor of the House. I refer to the gentleman as my friend because he is my friend, and there is no man in this House on either side for whom I have a more genuine affection than I have for the gentleman from North Carolina, and I have been greatly pleased to see him receive deserved honor at the hands of his party.

In making that speech the other day the distinguished gentleman did me the honor of devoting a portion of it in reply to what I had formerly said upon the floor of the House. As I recall, the speech to which he referred and which he was answering, was delivered about two years ago. I think that a Democratic leader who can keep within two years of current events is to be congratulated, and I hope that in two years from now the distinguished gentleman may reply to what I say to-day.

Now, among other things that he read were a number of clippings from certain papers in the West. He also referred to a certain letter—I do not remember that he gave the name of the writer—but it was some one of my constituents, in which he said that the conditions in the State of Washington were all right. Sometimes a little incident throws a great light on a big question. As I was saying, I do not recollect that the distinguished gentleman from North Carolina gave the name of the writer of the letter who said that things were all right in the State of Washington under this administration, but I think, if I remember correctly, the headline was Stellacoom. I will not say that Stellacoom is the headquarters of the Democratic Party in my State, but that is where the insane asylum is located. [Laughter.]

I have some clippings myself here to-day that I would like to read that were called forth by the statement of my distinguished friend from North Carolina that conditions were in good shape in the State of Washington. I will read, first, one written by a member of the legislature from Danville, Wash., in which he says:

DANVILLE, WASH., March 18, 1916.

Hon. W. E. HUMPHREY,  
Washington, D. C.

MY DEAR MR. HUMPHREY: The inclosed clipping from yesterday's Spokesman-Review indicates that with our Democratic friends prosperity, like business depression, may be largely psychological. If your district is "enjoying exceptional prosperity because of the Democratic national administration," then I think I shall move over on the Sound; but maybe at that I would have to become a Democrat in order to "function on that particular plane." Mr. KITCHIN certainly has a large imagination and a convenient memory. He knows how to sugar-coat his "Views with alarm the robber tariff."

Now I will read an extract from another letter. This is from Issaquah, written by Mr. Sylvester, a justice of the peace:

ISSAQUAH, WASH., March 21, 1916.

MY DEAR MR. HUMPHREY: I have been wanting for some time to write and tell you how heartily I am in sympathy with all of your utterances, and I back you up thoroughly. I haven't a single favor of any kind to ask. I just want to let you know that I am with you.

Referring to the inclosed clipping, you can tell the honorable gentleman that when he says that this section is enjoying exceptional prosperity that he is as far from the truth as heaven is from hell. I

haven't been away anywhere; have been right here for the past 20 years, and I know that the Democratic administration has just about ruined us. I am over 65, had practically retired on a nice little competence, but the taking the tariff off from shingles has changed income to an expense and bids fair to take every cent I have and leave me dependent on my daily labor in my old age. As I said, I have been here and I know.

Yours, very sincerely,

W. W. SYLVESTER.

Now, then, I have another letter here which is written to a distinguished Member of this House, and I have been furnished with a copy of it, but, being a modest man, I will ask the Clerk to read it, and I hope he will read it slowly, with emphasis, so that my distinguished friend from North Carolina can get the full import of it.

The Clerk read as follows:

SEATTLE, WASH., March 17, 1916.

HON. CLAUDE KITCHIN,  
House of Representatives, Washington, D. C.

MY DEAR MR. KITCHIN: I read the press reports of your speech in the House yesterday criticizing our Congressman HUMPHREY, and am prompted to write you because of the many delightful chats I had with you at the Hotel Driscoll a couple of winters some years ago.

Let me state that I voted for President Wilson and during that campaign served on the committee of the Democratic candidate against Congressman HUMPHREY. While Mr. HUMPHREY is really my personal friend, and I admire him for his many brilliant qualities and, above all, for his steadfast and consistent attitude on public questions, yet we are so far apart on some vital matters that I was especially interested in his defeat four years ago. We failed in the attempt, but succeeded in electing a Democratic governor, and came very near capturing the electoral vote for Mr. Wilson.

Since then I am sorry to state that we have had the most distressing period financially that I have ever known in Seattle or on the Pacific coast. I am sorry that, as one who voted for President Wilson, I must confess that Congressman HUMPHREY has not exaggerated the situation here in his speeches I have read, and I think I have read all of them. Times have been very bad on the Pacific coast during the past two years especially. Now, I do not blame all of this on the administration at Washington, but it is chiefly responsible. We are delighted with the improvement in the Interior Department under Secretary Lane, and I want to extend credit where it is so justly due, but I doubt if even that will justify me in again voting for President Wilson, while a majority of the committee who conducted the campaign against Mr. HUMPHREY four years ago, including myself, now say they will vote for his election to the Senate.

Yours, very truly,

MAURICE D. LEEHEY.

Mr. HUMPHREY of Washington. Now, Mr. Chairman, I have other clippings that I am not going to take the time to read. One of them I will refer to. It shows that the increase of the imports from British Columbia to the State of Washington during the last year increased 83 per cent. The imports that came into the State of Washington last year from British Columbia was of the value of \$31,847,000, practically double what it was the year before and three or four times what it was during the last year of Republican administration. These imports represent largely lumber and shingles. This \$31,847,000 represents that much work taken away from the workmen in my State and given to the workmen in British Columbia. As the workmen in my State look at the trainloads of shingles coming in from British Columbia while a large portion of our own mills are closed and many men idle, seeing more than a million dollars a month taken away from him in wages and given to the Chinese, Hindus, and Japanese in British Columbia, can you wonder that they are not worshipers of this Democratic administration.

The Democratic Party not only took off the duty on shingles and lumber but also on lime, and you also took it off of fish. Ten thousand men engaged in fishing in the State of Washington are directly affected by having their wages reduced. Not only that, you took the duty off from eggs, and I would like the distinguished gentleman from North Carolina to go with me some day down on the wharf and see the loads of Chinese eggs coming into this country. I know that then he would realize that the poultry raisers of my State ought to be grateful to the Democratic Party.

You also took the duty off from fruit, and the fruit growers of my State ought to be grateful to the Democratic Party. Today the Royal Ann cherry can be sent from Italy as far west as Indianapolis and Cincinnati at a less price than we can send them from Washington, owing to the cheap labor in Italy, so the fruit growers of the West are very grateful to the Democratic Party.

Mr. GORDON. Will the gentleman yield?

Mr. HUMPHREY of Washington. Well, I do not know that I would feel that my speech was complete without one interruption from the gentleman from Ohio. [Laughter.]

Mr. GORDON. Does the gentleman think that we ought to put on a tariff so high that it would enable them to grow tropical fruits in Washington?

Mr. HUMPHREY of Washington. I want the tariff so high that the American citizens in my country will not have to compete with the Chinese in British Columbia or the cheap labor of Italy, and that is what the Democratic Party made us do.

Mr. GORDON. Will the gentleman yield further?

Mr. HUMPHREY of Washington. No; I will not yield to the gentleman further; he has embalmed in my remarks one question, and that is quite enough.

Mr. LONGWORTH. Were not the Chinese eggs the gentleman alludes to embalmed?

Mr. HUMPHREY of Washington. Yes; being somewhat bad they stand as a good illustration of the Democratic Party. Now, another reason why we are greatly enamored with this Democratic administration outside of the tariff question. They promised us a free canal for American ships in the coastwise trade. Then the President came before the House and asked you gentlemen on that side to change that law, to show your "generosity," and to do it without asking whether you were "right or wrong," and 50 Democrats changed their position and did it. There were some honorable exceptions.

Mr. FITZGERALD. How many Republicans on that side changed?

Mr. HUMPHREY of Washington. Because the Democrats made an error is no justification for Republicans.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; I will not.

Mr. FITZGERALD. For one little question?

A MEMBER. Just a little one? [Laughter.]

Mr. HUMPHREY of Washington. Oh, if it is going to cause so much hilarity on this side of the House I will yield to the gentleman from New York.

Mr. FITZGERALD. No; I will not put the question. It would improve the gentleman's speech too much and give it tone, and I will not contribute to it. [Laughter.]

Mr. HUMPHREY of Washington. Perhaps everyone would not place so high an estimate on the gentleman's remarks as he does or as I do. Mr. Chairman, in regard to the Panama Canal, we had expended something like \$10,000,000 at the port of Seattle in preparation for the opening of that canal, based on Democratic promises; and the Democratic Party, in the face of its promises in its platform, repealed that law. By that act the freight upon every thousand feet of lumber that crosses this continent or that goes through Panama Canal was increased a dollar and a half. It increased the freight rate upon every bushel of wheat 5 cents and the freight rate upon every car that crosses this continent \$60. Yet they expect us out in the State of Washington to be enamored of this Democratic administration.

I want to ask you gentlemen on that side what a Democratic promise is going to be worth in the platform that you are going to write at the coming convention at St. Louis? Who will believe it or place any credence in what you may say in your platform, in view of the repudiation of the Panama Canal and practically every other plank in your last platform? After you got through with the Panama Canal you passed the seamen's law. Oh, you stood up here, some of you, and you sobbed and sniffled about the American sailor and said that we must enact this seamen's law in order to protect the American sailor and free him from slavery. You were repeatedly told on the floor of the House that if you did pass the seamen's bill every American ship would be driven from the Pacific Ocean, and that is what has happened.

The other day they had examinations out in the Puget Sound district under this new seamen's law to see who were qualified under that act. They examined at the city of Seattle 891 applicants, and out of that number 9 were American citizens. Yet, in order to do something for these men who do not think enough of the country that feeds them and gives them employment to take out their naturalization papers and become American citizens, you passed the seamen's law and drove every vessel from the Pacific Ocean that flies the American flag, and you are rapidly driving every foreign line from Seattle over to Vancouver, British Columbia. That is another reason why we are not greatly enamored of the Democratic Party out in my State. You propose now to follow the seamen's law by passing a half-baked socialistic proposition that you call your Government shipping bill, and take away from the Pacific coast all hope for an indefinite period of ever having an American merchant marine.

My good friend from North Carolina [Mr. KITCHIN] says that we are having great prosperity out in the State of Washington under this Democratic administration. If so, we are ungrateful; we do not appreciate it. Let me make him a prophecy here to-day. When we think of the tariff law and the seamen's act and the Panama Canal act—and the people out there have not forgotten—in next November when we have an opportunity to express our opinion of this Democratic administration at the polls, remember this prophecy: The State of Washington will give a Republican majority of not less than 75,000. [Applause on the Republican side.]



There is one other matter to which I desire to call attention for a few moments in regard to the policy of this Democratic administration. I want to read from a dispatch from Tacoma, Wash., under date of March 1:

TACOMA, WASH., March 1.

Stirred by the announcement that the contract for supplying the Alaska Railway Commission with 1,500,000 feet of lumber will go to H. A. Dent, a Seattle lumber broker, who is interested in a British Columbia mill, and by the fact that Mr. Dent's bid was \$2,000 less than the bids put in by any of the large Puget Sound mills, Northwest lumbermen are discussing the matter from all angles at the meeting of the West Coast Lumbermen's Association, being held here.

Local manufacturers say that the awarding of the contract to a Canadian firm will put the Government in a false position.

The announcement of the result of the opening of the bids came like a bombshell to the Sound mills, who anticipated securing the order. Mr. Dent's bid was \$30,794.21 for the entire order, while the large mills bid all the way from \$32,000 to \$35,000.

The big mills there referred to are the mills on Puget Sound. I do not know whether that deal has been consummated or not, but that is in line with Democratic administration. You take Government money and expend it in Alaska for an Alaskan railway—

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. No.

Mr. GORDON. I would like to ask the gentleman—

Mr. HUMPHREY of Washington. Oh, if I were to yield every time the gentleman wanted to ask me something I would not occupy any of my own time. I do not know what has been done in reference to that particular matter, but I do know that it is in line with the general Democratic policy. They propose to take Government money and expend it in Alaska, build the Government railroad, and then go over into British Columbia and buy their material instead of buying it in America. Of course the \$2,000 of difference will be saved to the Government, it is true, but that means that \$31,000 are taken from this country and given to British Columbia, and what is still more, of that more than 90 per cent represents wages, and those wages are taken from the men who work in the mills on Puget Sound in the United States and are given to those across the line who work in foreign mills.

The other day we had the sugar tariff under consideration, and during that debate the argument was made, as it has been from the beginning, that it is necessary to have this tariff on sugar because of the reduction in the revenues at the custom-house.

FREE TRADE AND NOT THE WAR IN EUROPE IS RESPONSIBLE FOR THE PRESENT DIRECT TAX LEVIED UPON THE PEOPLE.

The echo of the first gun in the great European tragedy had hardly reached our shores until the President rushed before Congress and declared that the customs revenues had been so reduced on account of the war that a direct tax must be placed upon the American people to raise money to meet the expenses of government. The appearance of the President, asking that this be done, was so prompt that it demonstrated that the question of revenue was troubling the administration before anyone ever suspected that we would have war in Europe. Ten months had demonstrated conclusively the dismal failure of the Underwood law as a revenue producer and its unexampled success as a poverty producer.

The Democratic Party was delighted to find an excuse to levy taxes. They proceeded to do it in such haste as to suggest the thought that they were not going to take any chances on the war ending before they got such a law on the statute books. They passed a direct-tax law, the first one in time of peace in the history of the Nation, and then loudly proclaimed it a "war tax," although it was a time of profound peace. Ever since they have been boasting of the fact that this administration has kept us out of the war. The present direct tax was solely the result of the war waged by the Democratic Party on American industry.

Ever since the day that the President appeared before Congress and asked this legislation administration officials have kept up the cry that the war in Europe has reduced imports and caused the decrease in the customs revenues. Before this administration went into power I prophesied that before it ended it would levy a direct tax or issue bonds, or do both, to meet the ordinary expenses of government. They have levied the tax, and I still predict that they will issue bonds before they go out of power, as they certainly will on the 4th of March, 1917. I read from one of the campaign documents sent out every few days by the Department of Commerce, for which a part of the direct tax levied upon the people is used to pay:

Decreased customs revenues in the fiscal year 1915 clearly reflect the influence of war, which operated to cut off imports generally.

How much truth is there in that statement and in all statements of a similar character that the war in Europe has reduced imports and thereby the customs revenue? The distinguished leader of the majority, Mr. KIRCHIN, said that the only fair way

to judge the present tariff law was by its workings and results before the war. I agree with him entirely. In that statement he is absolutely fair and just. Let us see how the figures correspond with the statement that I have just referred to issued by the Department of Commerce. I call your attention to this table of figures:

Imports of merchandise by months during the first 10 months of the Underwood (Democratic) tariff law preceding the European war and during the 10 months preceding the enactment of the Underwood law, or the last 10 months of the Payne (Republican) tariff law; also the revenue collected thereon.

October, 1913, to July, 1914, Underwood law before European War.			December, 1912, to September, 1913. Payne law, last 10 months.		
Imports.			Imports.		
	Value.	Revenue.		Value.	Revenue.
1913.			1912.		
October.....	\$132,949,302	\$30,138,049	December.....	\$154,095,444	\$24,243,161
November.....	148,236,536	21,173,627			
December.....	184,025,575	21,510,139	1913.		
1914.			January.....	163,063,438	29,334,124
January.....	154,742,923	23,528,079	February.....	149,913,913	27,605,116
February.....	148,044,776	17,609,603	March.....	155,445,498	27,457,481
March.....	182,555,304	25,927,212	April.....	146,194,461	23,693,967
April.....	173,762,114	22,232,766	May.....	133,723,713	20,434,741
May.....	164,281,515	20,800,573	June.....	131,245,877	23,608,591
June.....	157,529,450	23,553,447	July.....	139,061,770	27,806,655
July.....	159,677,291	22,988,465	August.....	137,651,553	30,934,952
Total.....	1,605,804,786	228,861,960	September.....	171,084,843	26,794,491
			Total.....	1,481,480,515	261,918,303

Gain in imports, \$124,324,271; loss in revenue, \$33,056,346.

Says the majority leader, the Underwood law should be judged by its results before the war, and there it is.

During the 10 months period under the Underwood law before the war the foreigner invaded our markets in a greater degree than ever before in the Nation's history, as these figures fully demonstrate. During that time we bought from the foreigner \$1,605,804,786 worth of products. This was \$124,324,271 more than we had bought during the last 10 months of the Payne law. And yet the Government lost in revenue during the 10 months under the Underwood law, compared with the 10 months under the Payne law, \$33,056,346 in revenue. This vast loss must be made up by direct taxes on the people.

This free-trade law not only took the markets of the American producer and the work of the American laborer from them and gave them to the foreigner, but it actually makes the American producer and the American workingman pay for the privilege of having the foreigner compete with them. This is what the President probably had in mind when he talked about sharpening our wits in a contest with the other nations of the world.

Will some one who contends that the present loss of revenue is due to the war in Europe please explain how it was that we lost over \$33,000,000 during the first 10 months of the Underwood law—over \$3,000,000 per month—before the war in Europe began. As you look at these figures showing conditions before anyone anticipated war, you can easily understand the feverish haste, when war did come, of the Democratic Party to enact a direct tax giving this as an excuse.

But while the foreigner was selling us more than ever before under this new Democratic tariff law, were we selling him more than ever before? Not so. This free-trade law benefits only the foreigner but never the American. During the 10 months' period of the Underwood law before the war in Europe began, we lost in our foreign trade at the rate of more than a million dollars a day. While the foreigner sold us \$124,324,000 more during that period than during the last 10 months of the Payne law, we sold the foreigner \$350,000,000 less than we did during the last 10 months under the Republican law. Or, during the first 10 months of the Underwood law, before the war in Europe, we lost and the foreigner gained over \$475,000,000.

During the month of December, 1913, the second full month of the present law, the first month when its full effect was really felt, we lost in our foreign trade, as compared with the corresponding month of December, 1912, \$46,000,000. The last month before the war in Europe—July, 1914—we lost in our foreign trade, as compared with July, 1913, \$27,457,000. Were these vast losses, incurred months before the war in Europe, due to that tremendous tragedy?

Canada is our greatest and best customer. During the first 10 months of the present free-trade law, before the war in Europe, the amount we sold to Canada, as compared with the

last 10 months under the Republican law, decreased 15 per cent. The amount Canada sold to us increased 35 per cent. Or, a benefit to the foreigner in that vast volume of trade of 50 per cent in 10 months, and this 10 months was before there was any war in Europe.

During the first 10 months the Underwood law was upon our statute books, the 10 months before the war, the 10 months which the leader of the majority says is the fair and just period by which it should be judged, there were more imports brought into this country than during any other 10 months' period in our history. We lost more of our foreign trade at that time than in any other 10 months' period in our history. During those 10 months there were more business failures in the United States than during any other 10 months in our history. During those 10 months there was a greater decrease in the bank clearances in this country than in any other 10 months' period in our history. During those 10 months there were more mills and factories closed than in any other 10 months in our history. During those 10 months there were more idle cars on the sidetracks of our railroads than during any other 10 months in our history. During those 10 months there were more men and women thrown out of employment than during any other 10 months in our history. During those 10 months there were more unemployed being fed by charity than during any other 10 months in our history. [Applause on Republican side.] Certainly I agree with the distinguished leader of the majority that the 10 months before the war in Europe is the period that really demonstrates what the Underwood tariff will do in normal times and is the period by which it can be justly judged.

But did these falling revenues and rapidly emptying Treasury, all this poverty and want mean anything to the Democratic Party? Instead of practicing economy and trying to decrease the burdens that the people have to carry, they created more high-salaried, useless offices and filled them with deserving Democrats than ever was done before. As the distinguished Chairman of the Appropriations Committee, Mr. FITZGERALD, said, during this period the Democratic Congress was the most extravagant that ever met in the Capitol.

No one can look upon these figures and the record of this Democratic administration and not fail to realize the truth. It was not the war in Europe but Democratic incompetency and extravagance that emptied the National Treasury and made necessary a direct tax upon the people. Yes; the present tariff law should be judged by its effect before the war in Europe, and upon that record the American people have already set their seal of disapproval.

But what about the oft-repeated statement that since the war decreasing imports are responsible for the decreasing revenues? As the fairest comparison that can probably be made, let us take the last nine months of 1915, the latest figures available, and compare them with the last nine corresponding months of the last Republican tariff. I ask your attention to these official figures and you will see demonstrated the utter falseness of this statement. To bring out the condition more fully, I have compared in this table this period by separate months.

Nine months of Payne law, 1912-13, compared with corresponding nine months of Underwood law, 1915.

	Imports.	Revenue.	Gain in imports.	Loss in revenue.
April, 1913.....	\$146,194,461	\$23,693,967	\$11,381,645	\$7,673,277
April, 1915.....	160,576,103	16,020,690		
May, 1913.....	133,723,713	20,434,749	8,561,133	3,449,922
May, 1915.....	142,284,851	16,984,826		
June, 1913.....	131,245,877	23,608,599	26,449,263	5,613,551
June, 1915.....	157,695,140	17,991,744		
July, 1913.....	139,061,773	27,806,655	4,182,937	12,821,011
July, 1915.....	143,244,737	14,985,642		
August, 1913.....	137,651,553	30,934,952	4,152,641	15,154,312
August, 1915.....	141,804,202	15,780,540		
September, 1913.....	171,084,483	26,794,491	19,848,457	11,873,831
September, 1915.....	151,236,023	14,923,639		
October, 1912.....	177,987,983	30,216,821	28,815,257	12,903,931
October, 1915.....	149,172,729	17,306,830		
November, 1912.....	153,094,808	25,666,353	2,401,777	9,273,631
November, 1915.....	155,496,675	16,393,353		
December, 1912.....	154,095,441	24,248,161	17,746,211	7,877,622
December, 1915.....	171,841,655	16,370,539		
Total.....			29,212,136	86,646,695

<sup>1</sup> Decrease.

Total imports.

1912-13, nine months' period.....	\$1,344,140,185
1915, nine months' period.....	\$1,373,352,321

Total revenue.

1912-13, nine months' period.....	\$233,404,754
1915, nine months' period.....	\$146,757,801
Rate of duty under Payne law.....per cent.....	17.36

Rate of duty under Underwood law.....per cent.....	10.60
Amount of duty that would have been received under Payne rate.....	\$238,413,962
Loss by Underwood rate as compared with Payne rate.....	\$91,656,161

Let us look at April, 1913. Gain in imports, \$14,000,000; loss in revenues, \$7,000,000. In June, gain in imports, \$26,000,000; loss in revenues, \$5,000,000. September and October are the only two months in which there was a decrease in imports, and in December there was a gain of \$17,000,000 in imports and a loss of \$7,000,000 in revenue. So, taking the total of those nine months we have a gain of \$29,000,000 in imports and a loss of \$86,600,000 in revenues. [Applause on Republican side.] Now, how can you say that it is the loss in imports that has caused the decrease in revenue?

Mr. KITCHIN. Will the gentleman yield for an interruption?

Mr. HUMPHREY of Washington. Certainly.

Mr. KITCHIN. Why does not the gentleman take the whole year 1915 and show the imports for the entire year instead of taking nine months and compare with the imports of 1913? If you take the year instead of taking the nine months the gentleman will have over \$10,000,000 less imports in 1915 than in 1913. And does not the gentleman know that there was an increase of \$82,000,000 in the imports of 1915 of articles which were on the free list under the Dingley Act, on the free list under the Payne Act, and which were retained on the free list under the Underwood Act? The gentleman did not know about that. [Applause on Democratic side.]

Mr. HUMPHREY of Washington. Yes; I knew about that; but I do not know that I know what the gentleman thinks he knows.

Mr. KITCHIN. I will say to the gentleman that what I stated are exactly the facts—

Mr. HUMPHREY of Washington. The gentleman thinks he knows; but the facts will show differently. I put these figures against the gentleman's statement.

Mr. KITCHIN. I will suggest to the gentleman why he took them. It is because in taking those months instead of the whole year you had an excess of imports of 1915 over 1913. Let me tell the gentleman, I can take three months of 1913 and compare with same three months of 1915 and make \$76,000,000 excess of imports over the imports in 1915; but that would not be right and fair. The gentleman ought to take the whole year, and then he will have over \$10,000,000 excess of imports of 1913 over 1915.

Mr. HUMPHREY of Washington. I will satisfy the gentleman in a moment with some other figures of some other months that I think will please the gentleman more than the ones I have used. I have not had time to put them on the chart yet. The gentleman can explain to the House two years from now when he replies to this speech, if he takes as long to reply to this one as he did to the one he replied to a few days ago.

If you had put the Payne rate upon the statute books instead of the rate you have under the Underwood law upon these imports for the last nine months, 1915, you would have had in the Treasury \$91,656,000 more than you have now. [Applause on the Republican side.] Now, the distinguished gentleman [Mr. KITCHIN] seems to think I have selected those months because it made out a good case. On yesterday I got the figures for the last two months, just past, January and February of this year, and I hope the distinguished gentleman will listen to these figures—and I compare January and February of 1913, under the Republican law, with them. The imports for January, 1913, were \$163,000,000, giving round numbers; for January, 1916, they were \$181,000,000, a gain of imports of \$21,000,000, a loss in revenue of \$13,790,000. [Applause on the Republican side.]

But if that astonishes the gentleman, I want to call his attention to the last month just past, the month of February, and I want the House to listen to these figures. For February, 1913, our imports were \$149,913,918, under a Republican tariff law. For February, 1916, under the Democratic tariff law, when you on that side were here before the House and asking to place a tariff upon sugar because imports were decreasing, the imports for February, 1916, were \$193,935,117—the largest imports in any month in all the history of this Nation. [Applause on the Republican side.]

Mr. KITCHIN. Would the gentleman mind giving us the exports during those months, too, showing what the balance of trade is in our favor?

Mr. HUMPHREY of Washington. That does not look very much like a balance of trade in your favor.

Mr. KITCHIN. Give the exports, and see how much they are. [Applause on the Democratic side.]

Mr. HUMPHREY of Washington. I know that you gentlemen over there need information. If you give me the time I will furnish you the figures. I confess that the only way you



will get the facts will be for me to furnish them, judging from the speech the gentleman from North Carolina made. He has not put it in the RECORD yet. It has been held out so long—I may have forgotten part of it, I am not criticizing him for holding it out—but if I misrepresent anything that he said in that speech I am certain it will be decidedly to his advantage.

The gain of imports in the month of February, 1916, was \$44,000,000, as compared with the month of February, 1913. The loss of revenue for February, 1916, as compared with February, 1913, was \$8,365,581. Here are the figures for these two months arranged as I have the others I have quoted:

	Imports.	Revenue.	Gain in imports.	Loss in revenue.
January, 1913.....	\$163,063,433	\$29,334,124	\$21,128,562	\$13,790,124
January, 1916.....	154,192,000	15,544,000		
February, 1913.....	149,913,913	27,605,116	44,021,190	8,365,581
February, 1916.....	193,935,117	19,239,535		

Now, these figures make it perfectly plain what is the matter with our revenue. It is not the war in Europe. It is the free-trade tariff law upon our statute books that is reducing our revenue. [Applause on the Republican side.] If you had had the same rates under the Underwood law that you had under the Payne law during the last 11 months, this Government would have received into the Treasury \$105,000,000 more than it did receive. [Applause on the Republican side.]

Mr. MILLER of Pennsylvania. And you would not have needed the war tax.

Mr. HUMPHREY of Washington. No; especially if our Democratic friends had not been quite so extravagant with their appropriations.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Ohio?

Mr. HUMPHREY of Washington. No. I would yield to the gentleman, but I do not want to get into the Democratic habit of changing my mind every few minutes. [Laughter.]

But, say our Democratic friends, while you are speaking of our imports, look at the vast increase in exports. But exports have nothing whatever to do with bringing in revenue, and I am now speaking of the causes for a depleted Treasury.

In the munitions of war there has been an increase. Our increased exports are measured by the toll of death taken by the battle fields of Europe. Our balance of trade boasted about by the Democratic Party is the balance produced by the awful tragedy of war. I demonstrated this conclusively a few days ago by official figures when I spoke upon "Battle Field Prosperity."

Our exports to the nations of peace under the present tariff law have generally decreased or our imports have generally increased. This is strongly shown when you compare the figures for 1915, the last year under the present Democratic tariff law, with the figures for 1913, the last year under the Republican tariff. Taking these years for comparison, the following is the result:

With Argentina our imports increased 270 per cent; our exports decreased 4 per cent.

With Brazil our imports increased 19 per cent; our exports decreased 12 per cent.

With Peru our imports increased 46 per cent; our exports only 4 per cent.

With Chile our imports increased 26 per cent; our exports only 7 per cent.

With Australia our imports increased 207 per cent; our exports decreased 20 per cent.

With China our imports increased 32 per cent; our exports decreased 22 per cent.

These figures show conclusively what the present tariff law will do when it is not stimulated by the abnormal demands that come from the great tragedy being waged in Europe.

But I am not dealing with exports to-day. I am dealing with the many times repeated assertion that the condition of the Treasury is due to decreased imports caused by the war in Europe—a statement that the figures that I have given demonstrate to be absolutely without a shadow of foundation in fact.

Our Democratic friends say that it is necessary to tax the people to secure money to run the Government because of decreased imports brought about by the war in Europe. The conclusive answer is the figures that I have already quoted.

Under the present tariff our imports would have to increase more than a billion dollars a year over what they were last year to produce a sufficient amount of revenue to meet the expenses of government. Such a tremendous increase would close our

mills and factories, make us a nation of paupers, and plunge us into poverty and wretchedness beyond imagination. Does the Democratic Party advocate this plan? Does the Democratic Party advocate increasing imports or direct taxes or a bond issue to secure money with which to run the Government? Either course is certain eventually to bring us industrial ruin.

These figures that I have quoted demonstrate that there were more imports in this country during the last nine months of 1915 than in any other nine months' period in our history, except only the nine months prior to the war in Europe, under the present law. These figures tell the entire story. Nothing more can be added. If the same rate of revenue had been imposed in the Underwood law as in the Payne law during the last nine months of 1915, we would have collected \$91,656,161 more than we did collect under the present law. Take this sum and add to it the amount of useless and inexcusable extravagance by the present administration, and you will have approximately the present estimated deficit. Or, in other words, by official figures it is shown that not the war in Europe but free trade and extravagance are responsible for our present financial condition.

And let it never be forgotten that if the imports amounting to \$1,344,140,185 that came into this country during the last nine months of 1915 to compete with our producers and our laboring classes had paid \$91,656,000 more revenue into the Treasury than they did pay, that this amount would not have added a single penny to the price of the goods, as they were sold to the original producer, and the American people would not have been compelled to pay a direct tax to that amount. While the foreigner was selling in our market, he got the entire benefit of the \$91,656,000. It went into his pocket instead of the United States Treasury, and the American consumer paid just as much for these imported goods as he would have paid if the additional duty had been levied.

On the other hand, most of these imports consist of competitive articles that could have been made at home, and if they had been produced at home not only would our own people have had the work and the wages; not only would the money have remained in this country instead of going abroad; not only would we have had both the goods and the money, but the American consumer would undoubtedly have paid less for a large portion of what we buy, and the Treasury would have been enriched by the vast sum of over \$90,000,000 and the American people would have been relieved from that much taxation.

When you look at these facts and figures you can readily understand the frantic efforts of the majority to keep the tariff upon sugar. You can understand the sudden conversion of the Democratic Party to a tariff commission that it has so often heretofore condemned and denounced. When you look upon these facts and figures you can understand the many reverses of the President that have recently been made so rapidly and completely as to cause the entire country to be seasick from the motion. You look at these figures and you see more imports than ever before, less revenue than ever before, more free trade than ever before, more taxation than ever before, more Democracy than ever before, more discontent than ever before. [Applause on the Republican side.] Free trade, direct taxes, and an empty Treasury—the trinity certain and inseparable that comes with every Democratic administration. [Applause on the Republican side.]

Mr. ROGERS. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Massachusetts?

Mr. HUMPHREY of Washington. Yes.

Mr. ROGERS. Just for one question. Can the gentleman give us the ad valorem rate for the last two months?

Mr. HUMPHREY of Washington. I am only stating the facts from memory. I think it was about 9 per cent.

Mr. ROGERS. It was 8.4 per cent.

Mr. HUMPHREY of Washington. Then I was conservative in my statement. These figures further demonstrate that but for the war in Europe, that is acting as a high protective tariff, that is compelling the foreigner to sell us less and buy from us more, that this country would absolutely have been flooded with foreign cheap goods. These figures demonstrate that but for the war in Europe the foreigner would have largely driven us from our own markets and our own people into idleness and poverty.

But it is not what might have happened, it is not what has happened, but what the future holds that now most concerns us. These tables show that before the war our imports were greater than ever before. They show that even since the war our imports are greater than they have ever been before, even in time of peace, except only the period under the present law before the war. The loss of revenue followed by direct taxation is only one of the evils. What will follow when the war in Europe

ends if we still stand defenseless under the present free-trade law?

Twenty millions of men are to-day under arms, women are filling the many places in the field of labor formerly filled by these soldiers, more people are working to-day in Europe than ever worked before if we count those who are in the army. What will be the result in the industrial world when the great conflict is over, when these millions turn from the pursuits of war to the pursuits of peace, when these nations burdened with poverty and debt, when every country will be struggling to revive her industries? It must be remembered that all of Germany, all of England, practically all of France, Italy, Austria, and the greater part of Russia have not been invaded; that these nations can instantly, when the war closes, start their mills and factories running. With the end of hostilities in the tented fields will begin the industrial contest, the greatest industrial war in all the world's history, as stupendous and surprising as the present contest of armies, and surpassing all others as the present war has surpassed all other wars heretofore fought. Yet, in the face of this inevitable danger, uncertain only in the exact hour it will come, we procrastinate, vacillate, hesitate, and do nothing.

Unless we prepare against that time by placing a protective tariff upon our statute books it is just as certain as that the war will end that this Nation will be invaded and overwhelmed by the products of the cheap labor of Europe. Then either our mills and factories must close or wages in this country must be reduced to the level of that paid in Europe, and the American workman must live as the workmen of those poverty-stricken nations will live. Poverty and ruin is certain. The only question is, in what shape will it come?

The talk of an "antidumping" law as a remedy for this situation is too silly to command serious consideration. To talk of a tariff commission to be appointed by the President is to temporize and evade for campaign purposes. To place the tariff on one item at a time is simply to juggle and speculate as to how long we can escape the inevitable. The one remedy, and the only one, is to place upon our statute books a tariff law not founded upon free trade, not "for revenue only," but for the specific purpose of protection—to protect American labor and American industry from the deadly competition of the foreigner. [Applause.]

To keep out of America the products of foreign pauper labor is as important as to keep out pauper labor itself.

Foreign pauper labor admitted into this country would be no more deadly to American labor than the products of the pauper labor produced in foreign soil and admitted free to American markets. [Applause.]

This great duty of enacting a protective tariff for the protection and the safety of America can hardly be left to the party that has always worshipped at the shrine of free trade and daily pays its adoration to the discredited fetish of "revenue only," and that for three-quarters of a century has mumbled that protection is unconstitutional. The safety and the hope of the American people lies in the fact that each day makes more certain that on the 4th of March, 1917, the party of protection, preparedness, patriotism, and prosperity will again enter into power. [Applause.]

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 12 minutes remaining.

Mr. HUMPHREY of Washington. Mr. Chairman, I promised to yield 10 minutes to the gentleman from New York [Mr. HULBERT].

The CHAIRMAN. The gentleman from New York [Mr. HULBERT] is recognized for 10 minutes.

Mr. HULBERT. Mr. Chairman, it is to be hoped, in view of the very wide discussion that has taken place during the seven hours allowed for debate, that gentlemen will remember that it is the river and harbor bill that is under consideration; and if the gentleman from Washington [Mr. HUMPHREY] did not see fit to spend any part of the time allotted to himself for the consideration of the question to discuss the single item contained in the minority views filed by him with reference to the inclusion of the item appropriating \$700,000 for the improvement of the East River in New York, it is at least due to him that I should say that he has been fair and courteous enough to extend to me an opportunity to defend that item, which I was active in having included in the bill, when, as a matter of fact, I, although a member of the Committee on Rivers and Harbors, was unable to secure any time whatever from the chairman on my own side of the House.

Mr. SPARKMAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Florida?

Mr. HULBERT. Yes.

Mr. SPARKMAN. I suppose the gentleman is aware of the fact that I tendered him 10 minutes?

Mr. HULBERT. The gentleman did not tender me 10 minutes. On the contrary, the gentleman told me last evening that the time had been allotted—15 minutes to New York Harbor—and he was going to allot that 15 minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. SPARKMAN. I did tender to him 10 minutes, through another party, this morning.

Mr. HULBERT. After the gentleman told me last night that he would not give me any time, and after I had gone to the gentleman from Washington and secured the time, a gentleman on the Republican side of the House came to me and said I could get the time if I would apply again.

Mr. MILLER of Pennsylvania. Take it now.

Mr. HULBERT. No; I do not want the time. I will not take it on that side now.

Now, Mr. Chairman, I ask leave to extend my remarks by putting in the Record evidence and facts taken before the Committee on Rivers and Harbors on February 12, 1916.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the Record by inserting the matter referred to. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Does this include the entire hearing?

Mr. HULBERT. It includes so much of it as relates specifically to the New York Harbor project.

Mr. MOORE of Pennsylvania. That is rather lengthy, is it not?

Mr. HULBERT. It covers altogether, I think, 39 pages.

Mr. MOORE of Pennsylvania. I will say to the gentleman that I am in favor of his project.

The matter referred to is as follows:

EAST RIVER, N. Y.

COMMITTEE ON RIVERS AND HARBORS,  
HOUSE OF REPRESENTATIVES,  
February 12, 1916.

The committee met at 10.30 o'clock a. m.

The CHAIRMAN. We have met this morning partly for the purpose of hearing parties whom Mr. HULBERT desires to present to the committee. Before we do that I want to read a letter I received from the secretary to the President.

Mr. HULBERT. Mr. Chairman, pardon me. I wanted to introduce the correspondence that brought forth that letter, if I may do so, as a part of the hearings.

The CHAIRMAN. Let me read the letter first. [Reading:]

THE WHITE HOUSE,  
Washington, February 11, 1916.

MY DEAR MR. SPARKMAN: The President directs me to say to you that he is strongly of the opinion that the pending river and harbor bill should carry an appropriation for the immediate improvement of the East River adjacent to the Brooklyn Navy Yard. He fully appreciates the fact that this would be contrary to the rule of the committee not to recommend appropriations for new projects at this time, but he feels that the importance of the matter in its relation to the question of national preparedness fully justifies an exception to the rule.

The President understands that Secretary Daniels has fully explained this matter to the committee.

Sincerely, yours,

(Signed) J. P. TUMULTY,  
Secretary to the President.

Hon. S. M. SPARKMAN,  
Chairman Committee on Rivers and Harbors.

The CHAIRMAN. Inasmuch as this is a part of the project which has been recommended by the engineers for the improvement of the East River in the interest of commerce and navigation, of course it is properly before our committee.

Mr. HUMPHREY. I was just wondering how many other letters we could get of a similar nature?

The CHAIRMAN. I do not know.

Mr. HUMPHREY. Personally, I am not inclined to let the President tell this committee what it should do.

The CHAIRMAN. At all events, we have this letter before us.

Mr. HUMPHREY. If we are going to inaugurate that system, I want to pass up some more before we act upon this bill. There are other places in this country where it is necessary to have improvements for preparedness, and if we are going to pass this bill up to the White House with regard to certain features, why not pass it up in its entirety and get opinions on all of it?

The CHAIRMAN. That, of course, is for the committee to say.

Mr. HULBERT. I would like to put those letters into the record to show the sequence of events.

The CHAIRMAN. Put them in and they may be printed.

Mr. HULBERT. I want to offer, first of all, a letter from the Secretary of the Navy addressed to the Speaker of the House of Representatives and dated December 21, 1915.

The CHAIRMAN. To what end? Does that give the committee any information it ought to have on this matter?

Mr. HULBERT. This is the matter which the President's letter referred to, as I understand from my conference down there yesterday, when he said that the Secretary had already put the facts before the committee. It is a letter which was written by Secretary Daniels to the Speaker on December 21, and was referred by the Speaker to this committee, and I brought the matter to your attention yesterday, and you read the letter yesterday before the committee.

The CHAIRMAN. That may be printed.



(The letter here submitted by Mr. HULBERT is as follows:)

DECEMBER 21, 1915.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Sir: I have the honor to invite your attention to the serious condition existing at the navy yard, Brooklyn, N. Y., in so far as pertains to the depth of water in ship channels leading thereto.

There is not sufficient water in these channels to insure the entering or leaving of a first-class battleship at all times.

At present only one battleship can be handled per day, and then only provided the weather conditions are normal. If the winds are such as to blow the water out of New York Bay then the depth of water in the approach channel is not sufficient to safely navigate a large ship. As an illustration, the following is noted:

On November 3, 1915, the U. S. S. *Texas*, one of our new first-class battleships, was ready to leave the yard, but the prevailing northwest winds had so reduced the depth of water in the Buttermilk Channel that even at high water there was not sufficient depth to insure her leaving the yard in safety. This ship, therefore, was forced to remain in the navy yard for over 24 hours.

This condition is a serious one and might cause grave complications. I understand there are two propositions before Congress—one providing a channel 35 feet deep and 1,000 feet wide in Buttermilk Channel, and the other north of Governors Island up the East River through Hell Gate. The second would provide for ships passing from the yard to lower New York Bay or to the Sound, a condition highly desirable from a strategic point of view. Either project will provide for free access to the navy yard.

The increase in size of ships has not yet reached its limit.

Through injuries received in battle, a ship could readily be drawing more water than normally at a time when it was most necessary to dock her.

It is therefore most urgent that an approach channel to the New York Navy Yard be maintained of not less than 35 feet depth at mean low water and 1,000 feet wide, and I can not too strongly urge the serious attention of Congress to this matter.

Sincerely, yours,

(Signed) JOSEPHUS DANIELS.

Mr. HULBERT. I want to submit a letter written by me to Secretary Daniels on January 25, 1916, in which I asked him for a further expression of his opinion: and I submit his reply to that letter, addressed to me, under date of February 10, 1916. I do not know whether the committee desire to have that read or not, but I would like to call the attention of the committee to a sentence in the letter. The letter goes into specific details in regard to this matter, and it contains, among other things, this sentence [reading]:

"As stated above, the question of deepening the East River and clearing Hell Gate and the channel through into Long Island Sound is of paramount importance and a pressing need and it should receive immediate attention."

The CHAIRMAN. That all shows the forces that were at work to get the President to write this letter. I have no objection whatever to those going in the record, but I do not think it necessary to take up the time of the committee to read them.

Mr. HULBERT. I just read an excerpt to give you the character of the letter, and that is all.

The CHAIRMAN. The first and the main thing the committee wants to know is the President's views on the subject.

(The letters here submitted by Mr. HULBERT are as follows:)

JANUARY 25, 1916.

Hon. JOSEPHUS DANIELS,

Secretary of the Navy, Washington, D. C.

MY DEAR MR. SECRETARY: In the copy of last Saturday's RECORD, which I handed you this morning, I discussed the necessity for the deepening of the channel in the East River to 35 feet, to which you called attention in your letter of December 21, 1915, and which I put in the RECORD. I also emphasized that this improvement, connecting up New York Harbor and Long Island Sound, would constitute a marine trench, upon which I propose to elaborate in an address I have been invited to deliver at the annual banquet of the Cleveland Democracy in New York next Saturday evening.

I should like to know, if it is possible to make an estimate for such an illustration, approximately how many battleships or other naval vessels might be dispensed with, in the event of such improvement being made, to make equally efficient the defense of New York Harbor and the New England coast under present conditions—that is, if your timely warning were not heeded and the improvement failed of adoption—and I would appreciate as strong a letter from you on this subject as you can consistently write to aid me in organizing and enlisting the support of the civic associations of New York City.

If, when you have revised the admirable address made by you at the National Democratic Club a week ago last Saturday, you will favor me with a copy, I should be pleased to extend my remarks in the RECORD so as to incorporate the same.

FEBRUARY 10, 1916.

MY DEAR MR. HULBERT: Replying to your letter of January 25, regarding the deepening of East River to 35 feet, I have to say that this question has recently received very earnest consideration by the officers of the department, and particularly by the General Board.

The value, if not the absolute necessity, of deepening East River to 35 feet and clearing the channel to Hell Gate is considered one of the most important questions now before the Navy Department. The reason for this is that a study of the strategic features of the east coast of the United States, with a view to making the best disposition of our forces for defense against a possible enemy in the Atlantic, has demonstrated the fact that Long Island Sound is probably one of the strongest natural rendezvous for a naval force that possibly could be formed, either artificially or by nature. Its value would be decidedly enhanced by having two outlets; that is to say, either through the race at the east end of Long Island Sound or through the harbor of New York and out by Sandy Hook or the Ambrose Channel.

However, having the above two outlets must not be considered as in any way decreasing the number of ships that are needed for the naval service, but it can readily be seen that with these two outlets it would require a double force of the enemy's vessels to guard both of these outlets in order to prevent our vessels from getting to sea through either one or the other.

The necessity for at least 35 feet of channel is too evident to be dwelt upon, because any engagement taking place off New York would probably result in injury to some vessels, compelling them to seek shelter and to be drydocked as soon as possible. Naturally the draft of these

vessels would be very much increased due to the injury they had received, so that from a military standpoint the deep channel is absolutely necessary. As stated above, the question of deepening the East River and clearing Hell Gate and the channel through into Long Island Sound is of paramount importance and a pressing need, and it should receive immediate attention.

As regards the deeping of the East River between the navy yard and the entrance to New York Bay to the southward—that is, through Ambrose Channel—has been made very evident during the past winter when some of our larger ships were not able to reach the navy yard for necessary work, although only at their normal draft (and possibly a little less), and had to wait several days before they could get in, and had the same trouble to get out after getting in. It needs no argument to impress upon anyone how serious it would be should some of our large battleships, which now are all based on the New York Navy Yard, be at the yard at the time their presence is urgently needed outside and the condition of the channel should be such that they could not get out.

Sincerely, yours,

(Signed)

JOSEPHUS DANIELS.

Hon. MURRAY HULBERT, M. C.,

House of Representatives.

Mr. HULBERT. In order that the letter which you have just referred to from the President, in which he emphasized its relation to the Brooklyn Navy Yard, may be understood by the committee, it seems to me it is also essential that a foundation may be laid so that this committee may know what facts were presented to him that brought forth that letter.

Mr. TREADWAY. This hearing is connected with the East River project, so called, is it not?

Mr. HULBERT. It is.

Mr. TREADWAY. Just what is the bearing between the East River and the location of the Brooklyn Navy Yard?

Mr. HULBERT. The Brooklyn Navy Yard is on the east side of the East River, just above the Brooklyn Bridge.

Mr. TREADWAY. Will this project begin there? In other words, where does this new project that we are considering to-day begin?

Mr. HULBERT. This project begins at the Battery and extends the length of the river, which is 16 miles long, and connects with Long Island Sound at a point known as Throgs Neck.

Mr. TREADWAY. I understood you, before the committee all through our hearings, to refer more especially to the channel connecting East River with Long Island Sound, did you not?

Mr. HULBERT. Precisely.

Mr. TREADWAY. So that the navy yard is practically at the beginning of the position where you desire to have the project work done?

Mr. HULBERT. Oh, no; not at all; and, moreover, Mr. TREADWAY, do not lose sight of the fact—

Mr. TREADWAY. I only want to get the geography clear in my mind.

Mr. HULBERT. I will emphasize it as much as I can. You are going to have Admiral Benson and Col. Black before you. Admiral Benson has navigated the largest type of battleships in that very channel from the Battery up to the navy yard, but by connecting up this project for the East River, aside from its commercial importance, which, of course, affects materially its navigability, so far as such projects are taken up by this committee, it will also afford an entrance channel from the upper bay of New York Harbor to the Long Island Sound by the adoption of the project. So that we are then in a position, as this committee may from time to time deem it advisable to appropriate money for the completion of that 35-foot channel, giving you a double entrance to the Brooklyn Navy Yard.

Have you ever stopped to consider what might happen—

The CHAIRMAN. We have experts here.

Mr. HULBERT. I want to offer next, Mr. Chairman, a letter which I addressed to the President yesterday, under date of February 11, and also a letter addressed by Congressman FITZGERALD, chairman of the Committee on Appropriations, to the President yesterday; and then, following that, is a letter from the Secretary to the President, which the chairman has already read and which I suppose is now in the RECORD.

(The letters here presented by Mr. HULBERT are as follows:)

FEBRUARY 11, 1916.

THE PRESIDENT, The White House.

MY DEAR MR. PRESIDENT: The Committee on Rivers and Harbors have practically concluded their labors and will presently report a bill carrying approximately \$40,000,000 to continue the work on existing projects.

Since my appointment upon this committee at the opening of the present session, I have been strenuously urging the necessity for the adoption of a 35-foot project for the improvement of the East River, even to the extent of making it the one exception to the committee's rule not to take on any new projects.

The present project is for a 26-foot channel, adopted in 1868 and 70 per cent completed. Since Col. Black recommended a 35-foot channel in 1912, no moneys have been appropriated for the improvement of the East River. Aside from its commercial importance, having a commerce of 45,000,000 tons of an approximate value of \$1,500,000,000 and 22,500,000 passengers, there is no doubt that at this time its strategic value is of paramount importance. Secretary Daniels pointed out in a letter to the House of Representatives, under date of December 21, 1915, that it was impossible to float modern dreadnaughts in or out of the Brooklyn Navy Yard except in high tide, and that there have been occasions when, owing to a heavy wind, which blew the water out of the channel, it has been necessary to hold the boats in the yard for 48 hours. In another letter which the writer received from him this morning, the Secretary emphasizes the value which this improvement would have in making New York Harbor the only harbor in the world having two entrances and two exits; for the connecting up of the upper bay with Long Island Sound by the 16-mile 35-foot channel would make necessary double the number of vessels now required to successfully blockade New York Harbor in addition to giving the vessels in the navy yard a means of exit to the east in the event that the channel below the yard might be blockaded by the destruction of a bridge below the yard. Admiral Mahan testified at the hearings of 1911 that of the Atlantic bases, New York is distinctly the best, and, because of its two entrances, etc., "constitutes a base of naval operation probably unique in the world."

Chairman SPARKMAN reported that you were opposed to taking on any new projects, but the exception always proves the rule, and Congressman FITZGERALD subsequently said that you had told him you expected the East River improvement, which only involves an initial appropriation of \$500,000 this year, would be taken on as a part of the national defense. Inasmuch, however, as some of the members of



the committee still seem to feel that an exception should not be made unless with your acquiescence, I hope you will feel at liberty to advise the committee before the bill is reported.

FEBRUARY 11, 1916.

The President, The White House.

DEAR MR. PRESIDENT: I am reliably informed that the river and harbor bill will not contain any new projects. The determination to follow such a policy excludes the possibility of provision for the improvement of the East River or Buttermilk Channel in New York Harbor so that safe passage may be afforded naval vessels entering or leaving the navy yard.

It will be preposterous to provide extraordinary appropriations for new and larger war vessels, if provision be not made to enable them to utilize the essential facilities for their maintenance; and the Representatives from New York will be placed in an impossible position if they support revenue measures which will largely increase the burdens of their constituents while failing to obtain legislation deemed essential for the security of the metropolis of the Nation.

Unless some word be sent by you to the Committee on Rivers and Harbors that the situation relative to New York is essentially different from new projects for purely commercial projects no provision will be made for the improvement. The Secretary of the Navy has addressed two communications to the House on the subject, and I sincerely trust that you will urge that action be taken at this time.

Respectfully, yours,

(Signed) JOHN J. FITZGERALD.

In that connection I would like permission to submit here a telegram from the commissioner of the department of docks and ferries, R. A. C. Smith, addressed to me, dated yesterday [reading]:

[Telegram.]

NEW YORK, February 11, 1916.

Hon. MURRAY HULBERT,  
House of Representatives, Washington, D. C.:

Confirming telegram of to-day, it is with deep regret that I can not be with you to-morrow morning and appear before the committee. Aside from the question of national defense, which so strongly demands the provision of an East River channel for an outlet to the east through the Sound, the amended project submitted in report in House Document No. 188, Sixty-third Congress, first session, should be approved by Congress as an urgently needed commercial improvement of national importance. I will cite but one section of the East River water front: From Williamsburg Bridge to Forty-second Street, which is nearly 2 miles in length and capable of immediate development for the accommodation of ocean-going vessels so soon as the Government removes from the navigable waters the dangerous reefs and rock shoals in that neighborhood. I may add that on that stretch alone 82 steam vessels could be accommodated. This is only one of the sections which is of potential value to foreign commerce and now paralyzed because of impossibility of access. For the best illustration as to the wisdom of these improvements, I need only refer to one of them: The Bay Ridge Channel, which cost the Government approximately \$2,500,000. I believe that I am conservative when I say that the total cost of the improvements at that point by the State of New York, by the municipality, and by privately owned properties amounts to over \$30,000,000 since the project was made a fact, and that if it were not for that particular territory to-day, the port of New York would not be able to meet the demands of commerce. There are many sections of this harbor in the East River section which are as important and subject to prompt development on the adoption of the amended project recommended by the Army Engineers. I will in the next few days send you a complete analysis of all improvements to this harbor as requested by you.

R. A. C. SMITH,

Commissioner Department of Docks and Ferries.

In addition to that I want to submit an excerpt from the testimony of Rear Admiral Mahan, appearing on page 54 of the hearings of 1911, before the Committee on Expenditures in the Navy Department, House of Representatives, which I also will not take the trouble to read at this time, but the gist of it is that it emphasizes the fact that in New York Harbor strategic considerations, industrial considerations, and economical considerations are all combined, which is one of the few places where you will find the trinity with regard to the development of the naval resources and commercial resources and the economical advantages of this Government; and then he emphasizes the necessity for a strategic base on the Atlantic Ocean and expresses the opinion that New York Harbor is the most desirable place on the Atlantic Ocean for the larger vessels of the Navy.

Mr. BURGESS. What is the date of that?

Mr. HULBERT. That is 1911. That is prior to the report upon which this provision or project was adopted and included in the bill of 1913.

(The statement here submitted by Mr. HULBERT is as follows:)

"As before remarked, the entire coast frontier, like any land frontier, is the national base of operations. Our coast frontier divides into three sections—the Atlantic, the Gulf, and the Pacific. Naval stations for these must be chosen in accordance with the two principal objects stated: (1) To insure the safety of the coast; (2) to facilitate external operations in support of national policies.

"This is the point to introduce a remark which governs the military determination of navy yards and naval stations, a consideration too rarely distinctly formulated; that is, that navy yards are for war, not for peace; that, therefore, they are primarily yards for repair and refit, not for construction, because under modern conditions naval vessels must be constructed in peace, the duration of war not allowing time. The function of naval stations therefore is to maintain in efficiency ships already built, and their location should be determined by this consideration, irrespective of facilities for building, whether natural or acquired.

"This amounts to saying that the choice and maintenance of naval stations should be determined by strategic considerations rather than by such as are industrial or economical. Of course, where the three coincide, as in New York, it is a fortunate conjunction; but where there is a collision of considerations the place which is superior by situation, nearness, defensive strength, and the possibility of storing resources is to be preferred to one industrially or economically greater. Let me add that the chief of all elements of refit is the dock, and suitable ground for docking or harboring floating docks is a prime consideration.

"The Atlantic seaboard is obviously the most important of the three principal divisions of our sea frontier. Its function in a general scheme of naval provision is largely defensive, because it is not nearest to either of our external objects of policy. In case of war with a

naval power so far superior as to be able to maintain on that coast a navy stronger than our fleet our fleet would need at least two principal bases, because the existence of two not only provides alternate refuges in case of need, but by that very fact facilitates also the offensive operations of any character, the execution of which is the office of a defendant navy. The question of the Atlantic seaboard, viewed distinctly as a military problem, is therefore simple; nor is there any doubt that Chesapeake Bay and New York represent the two best positions. That the two are principal does not imply that they are equal or should receive equal development. New York is distinctly the better, because it has two entrances, for New York must be understood to embrace Long Island Sound and may advantageously be extended to include Narragansett Bay. So extensive an interior sheet of water, covering unlimited resources, with two entrances over a hundred miles apart, each capable of powerful fortification, constitutes a base of naval operations probably unique in the world."

Mr. Chairman, I think now we had better call either Admiral Benson or Col. Black.

STATEMENT OF REAR ADMIRAL WILLIAM S. BENSON, UNITED STATES NAVY.

The CHAIRMAN. Admiral, you are here this morning at the request of the Secretary of the Navy, I believe?

Admiral BENSON. Yes, sir.

The CHAIRMAN. For the purpose of explaining the importance of the improvement of so much of East River as would permit the Navy to carry its vessels to and from the navy yard?

Admiral BENSON. Yes, sir.

The CHAIRMAN. Will you kindly proceed now and give your own views as to the necessity for that work?

Admiral BENSON. The necessity for having a proper channel, particularly to the southern entrance of the navy yard, to get into the navy yard with safety with our large vessels, has been very apparent for some time.

The CHAIRMAN. Before you proceed any further, Admiral, have you a map showing the East River and bay?

Mr. HULBERT. In that connection, if any gentlemen are examining the map, I would like you to notice the depth at the points in the river except where these shallow rocks occur.

The CHAIRMAN. That will be all right.

Mr. HULBERT. You will see, gentlemen, the river is 50 or 75 feet deep, except where these rocks occur. May I also suggest that much of this data will be found in House Document 188 (63d Cong., 1st sess.), which individual members might like to look at.

Admiral BENSON. I think I can make the point more clear by pointing out the direction the ships ordinarily take.

Mr. HULBERT. Will you identify Governors Island before you begin, as a starting point?

Admiral BENSON. This [indicating on map] is Governors Island; this is North River, and this is East River, going up through here. This is the navy yard, this is the Brooklyn Bridge, and this is the Manhattan Bridge, as it is called. Then, there is another one here, and so on.

Vessels, for instance, come out of East River or down the North River or down here through the Narrows and out through the main channel out to the ocean; that is the channel that is used now.

The CHAIRMAN. Ambrose Channel is below there?

Admiral BENSON. The Ambrose Channel is 6 or 8 miles below this point [indicating], out through the lower bay and Narrows, and leaving Sandy Hook on the right as you go out, and standing eastward, with Coney Island on the left.

Mr. TREADWAY. Where is the Statue of Liberty?

Admiral BENSON. The Statue of Liberty is over here [indicating], and this is Jersey City, with the Pennsylvania Railroad Station and the Jersey Central there. Here is the Battery [indicating].

For many years vessels coming up from the anchorage down at Staten Island would come up and go through here [indicating].

Mr. HULBERT. You mean between Governors Island and the Battery?

Admiral BENSON. Between Governors Island and the Battery. I have never used any other channel.

Mr. HULBERT. I am asking that question, Admiral, for the purpose of the record, so that anyone reading it hereafter may identify it.

Admiral BENSON. I myself have always used the channel between Governors Island and the Battery, running in on a range on end of pier over in Brooklyn and the Hotel Margaret. I commanded the *Utah*, and she was quite a good-sized ship.

Mr. HULBERT. What is the draft?

Admiral BENSON. I have come out of there in the *Utah* drawing a little over 29 feet; 29.6 is about the most I have ever taken through there, and I have frequently gone in and out without a pilot; but it was always with a great deal of anxiety and only at the very top of the tide, when the current was practically still and not running at all, because on the south side here [indicating] toward Governors Island, is Diamond Rock, which is a very dangerous reef, and on the left going in is Coenties Reef, and it is absolutely necessary to steer between those two shoals; then, after getting over to a certain point in the river, you stand up to the navy yard just in here.

Mr. TREADWAY. May I ask what the distance is from Governors Island to the Battery?

Admiral BENSON. Across there? It is not more than five or six hundred yards. I am simply guessing.

Mr. TREADWAY. From Governors Island to the Battery?

Mr. HULBERT. Eight hundred yards.

Mr. TREADWAY. And then may I further ask how far those two reefs, one from Governors Island to which you refer and one from the Battery—in other words, how wide is your full depth of channel between Coenties Reef and Diamond Rock?

Admiral BENSON. Diamond Rock is there [indicating] and Coenties Reef is there. The distance between those two reefs, of course, in one direction is, I should say, probably 200 yards; but in going in, in order to get your turn up the river and avoid both of them, you have to steer at an angle, and it leaves the available space between them very small, not certainly over 100 yards, and I do not think it is that much. I never felt I had that much leeway when I went up there.

Mr. HUMPHREY. How often do battleships go through there?

Admiral BENSON. I should say, for instance, we base all of our big battleships as they come out, as a rule. Heretofore they have been fitted out at the New York Yard, and they all have to go there to fit out, and then the first four or five of them have been basing on the New York Yard until another one came out, and then the smallest one of the five dropped out and went to some other yard; and I imagine these five ships will average going up there and out again at least four times a year.



Mr. HUMPHREY. And all of the battleships of the Navy have gone in and out of that channel, have they not?

Admiral BENSON. No; latterly all of the big ships have been going up Buttermilk Channel on account of the greater difficulty of steering in between those reefs.

Mr. SMALL. Where is that channel?

Admiral BENSON. Buttermilk Channel is between Governors Island and Brooklyn shore.

Mr. HUMPHREY. How many accidents have happened getting battleships in and out there?

Admiral BENSON. Well, I can recall, I think, three. For instance, there was one ship, the *North Dakota*, that struck some object in going out of there.

Mr. HULBERT. Out of the North Channel?

Admiral BENSON. Out through here [indicating], north of Governors Island, and in that vicinity; I do not know exactly where it was. There was another case of an obstruction being struck, and I think the *Massachusetts* struck something there at one time. Those are the only three I have in my mind, and they are more or less indistinct, except the *North Dakota*.

Mr. HUMPHREY. What was the obstruction which you say they struck?

Admiral BENSON. My opinion is that there is a rock somewhere in there, a very small pinnacle rock, which it probably struck. At the time it was supposed that it struck an obstruction which had dropped over, because at a certain point along there there is at low water only about 27 or 28 feet, and an obstruction dropping over, even a very small one in that depth, and the vessels passing over it, even if only a couple of feet, would probably strike. That was the supposition. You can readily understand how a big stone from a barge might drop over on this hard bottom, as I understand it is, and that might bring the bottom up, so to speak, that much, and the vessel going over it would strike.

Mr. COSTELLO. By using Buttermilk Channel you avoid all that?

Admiral BENSON. As I say, latterly the big vessels have been using that.

Mr. COSTELLO. With complete safety in doing so?

Admiral BENSON. At certain stages of the tide there is not water enough there.

I was going on to say that this was emphasized recently by the big ships *Wyoming*, *Arkansas*, and *New York*, when a northwest wind was blowing at low water, could not go up there because there was not enough water.

Mr. TREADWAY. How much do they draw?

Admiral BENSON. They draw between 29 and 30 feet.

Mr. TREADWAY. The same as the *Utah*?

Admiral BENSON. About the same.

Mr. HULBERT. The later vessels draw more water, do they not—the *Arizona*?

Admiral BENSON. They may draw up to 32 feet.

The CHAIRMAN. What depth has Buttermilk Channel?

Admiral BENSON. Thirty to thirty-one feet.

Mr. HUMPHREY. What is the depth at high tide?

Admiral BENSON. The rise and fall, as I recollect it, is about 5 feet. Col. BLACK. The ordinary range of the tide there is 4 feet. The spring tides have a range of 6 feet, and the water is lowered by wind action frequently 2 feet. So it is not at all unusual to have 4 feet less than mean low water in that vicinity.

Admiral BENSON. There are points here having 27, 29, and 28 feet, and I think about 27 feet is the lowest I have seen here. That would give you at the ordinary high tide 31 feet.

Mr. TREADWAY. What is the width between Governors Island and the Brooklyn shore?

Admiral BENSON. I would say that at the narrow point there would be about 200 yards.

I would like to say to the committee that they may be surprised that I do not know these figures more exactly, but I have navigated in every port on this coast and many others, and it is a little hard to remember all the details. That is the reason I can not give you more definitely the figures.

Mr. HUMPHREY. I want to ask you about the obstruction. You said one of the battleships struck an obstruction going through the channel. Was not that simply a temporary obstruction, a stone dropped off the barges or something of that character?

Admiral BENSON. I really could not say what it was. My own opinion is that there is a rock there somewhere which probably ought to be removed. That I do not know, and I got that idea very largely in conversation with Col. Black.

Mr. HUMPHREY. Your experience has been at high tide. To put it another way, except in low water, the battleship can get in and out of the yard without much difficulty?

Admiral BENSON. Under normal conditions, with good high tide and dead high water, a battleship properly handled up to certain draft, say, 30 feet, could get in there, but it is always a dangerous undertaking. I always feel in going in there that while I had confidence in myself that I could take the ship in, I was taking more or less chances to do it, and I do not think, if I may state it, that it is a risk that any commanding officer should be exposed to in command of one of our big ships unnecessarily.

Mr. EDWARDS. Where is the navy yard?

Admiral BENSON. Right there [indicating on map].

Mr. HULBERT. How far is it from Governors Island to the navy yard?

Admiral BENSON. That is  $1\frac{1}{2}$  to 2 miles, about.

Mr. EDWARDS. Admiral, how much has the Government invested in that navy yard up there?

Admiral BENSON. I should say in the neighborhood of twenty or twenty-five million dollars.

Mr. EDWARDS. How do you suppose it was that they ever located the navy yard in there where they could not get to it?

Mr. HULBERT. They could get up easily with the draft of vessels being built at that time.

Admiral BENSON. At the time it was located, of course, vessels were very much smaller, and the draft of water was such that they had no difficulty whatever in going out and coming in there at any time.

Mr. EDWARDS. They did not locate it there with a view to deep-draft vessels, because they did not have deep-draft vessels and the larger type of vessels?

Admiral BENSON. Oh, no. The yard has been there a hundred years, nearly.

Mr. EDWARDS. Is there not a point below there, outside that point, on which that navy yard could be transferred?

Admiral BENSON. There are other places where the navy yard could be placed, certainly.

Mr. COSTELLO. When the tide is high, in using Buttermilk Channel you avoid all the dangers ascribed to the other?

Admiral BENSON. Yes, sir.

Mr. COSTELLO. And there is no reason why you should not use it under those conditions, is there?

Admiral BENSON. If there is sufficient water, there is no reason.

Mr. COSTELLO. There is no need of your taking all the chances of going up through the channel between the Battery and Governors Island when you can go on this side of the island?

Admiral BENSON. Not at all; that would be the normal thing; but you have got to take that at the high tide, because there is only 27 or 28 feet there, and you must take it at the height of the tide, but if we can get 31 or 32 feet—31 feet is running pretty close—that is better, because we are running with the tide and the dangers should be less.

The CHAIRMAN. How long does low tide last?

Admiral BENSON. I think the water is slack off the Battery there about 20 minutes or a half an hour.

The CHAIRMAN. As a rule, you would not have to wait long, then, for a tide providing sufficient water?

Admiral BENSON. We have high tide about every 12 hours.

The CHAIRMAN. Would you then have to wait 12 hours?

Admiral BENSON. We would have to wait 12 hours for high water; and at night, as a rule, we do not attempt to go in there. That is another objection, because the yard is closed, and all the activities of the yard are closed.

Mr. BOOHER. Are there any other navy yards on the Atlantic coast where these big vessels can get in that are heavy-draft vessels.

Admiral BENSON. They can go into most any of the yards now; that is to say, they could get sufficient water in the Delaware for them to get up there.

Mr. BOOHER. That navy yard is open at all times?

Admiral BENSON. You would have to go up the Delaware, and you have to take it at practically high water. It is the same thing at Norfolk. You would want the high water, because the channel at Norfolk is very restricted, and at present it is too narrow to turn one of our big ships.

Mr. BOOHER. Then the navy yards all along the Atlantic coast are practically in the same condition as the one at Brooklyn is—the harbor conditions are practically the same?

Admiral BENSON. I do not know. I do not think so, sir.

Mr. BOOHER. You say you have got to wait for high water if you take the Buttermilk Channel? What is the difference in the channel there and at the other navy yards?

Admiral BENSON. The conditions are practically the same in that respect—that you have to wait for high water; but at Norfolk, for instance, I think the later ships coming out will have considerable difficulty in turning.

Mr. BOOHER. The difficulty is about the same at all the navy yards on the Atlantic coast, is it not?

Admiral BENSON. No; I would not say it was so great in the Philadelphia yard.

Mr. TREADWAY. How about Charlestown?

Admiral BENSON. At Boston?

Mr. TREADWAY. Yes, sir.

Admiral BENSON. They could go there, too.

Mr. BOOHER. Can you use the Philadelphia Navy Yard for the largest vessels without waiting for high water?

Admiral BENSON. We could use that, but there is no dry dock at Philadelphia that would take the ships. That is one of the features the Brooklyn yard possesses that the Philadelphia yard does not—they have a dry dock that big ships may go into.

Mr. BOOHER. Would not it be cheaper for the Government to build a dry dock at Philadelphia than to deepen this channel we are considering?

Admiral BENSON. I do not think so.

Mr. BOOHER. What would be the cost of a dry dock at the Philadelphia Navy Yard?

Admiral BENSON. The lowest estimate we had on the big dock there was a little over \$3,000,000.

Mr. BOOHER. What will it cost to do this work? Is it not estimated to be \$13,000,000?

Mr. HULBERT. \$700,000; the \$13,000,000 covers the whole East River up to Long Island Sound. This is the initial part of the project.

Mr. BOOHER. Then this would only be a portion of that project. How much larger vessels will the Brooklyn Navy Yard take in the dry dock than Philadelphia?

Admiral BENSON. And all of our ships can dock there, sir, that we have in contemplation.

Mr. BOOHER. At Philadelphia?

Admiral BENSON. No; New York, sir. For instance, the *Arkansas* and *Wyoming* and all of the vessels coming after those—the *New York* and *Texas*, the *Pennsylvania*, *California*, and all those ships would not be able to dock at Philadelphia.

Mr. HULBERT. Those ships have a draft of 31 feet, have they not—the *Arizona* has 30 feet?

Admiral BENSON. It has about 30 feet.

Mr. BOOHER. Can not all of these vessels you mentioned dry-dock at Portsmouth?

Admiral BENSON. I do not think so; I do not think any of them could.

Mr. BOOHER. The reason I asked you that is that somebody connected with the Navy in the hearings before the Naval Committee said that Portsmouth is the only naval station on the Atlantic coast where all of these larger vessels could dock.

Admiral BENSON. We dock them all at New York.

Mr. BOOHER. Could they dock at Portsmouth, too?

Admiral BENSON. I do not think they could, sir.

Mr. BOOHER. Could they dock at Charleston?

Admiral BENSON. South Carolina?

Mr. BOOHER. Yes, sir.

Admiral BENSON. They could not.

Mr. TREADWAY. Will you please make the same comparison with the Boston Harbor? Can these large vessels get into Boston?

Admiral BENSON. They might get in; they could not dock—these later ones.

Mr. TREADWAY. Has not the State of Massachusetts constructed a dry dock?

Admiral BENSON. They are building one, and when it is completed they will be able to take in any of them. It is to be 1,000 feet long, and it would hold any ship we are contemplating building.

Mr. TREADWAY. Is that larger than the one the navy yard now owns at New York?

Admiral BENSON. I think it is.

Mr. TREADWAY. But, so far as water is concerned, there is ample water to get in at Boston?

Admiral BENSON. Yes; they could get in there.

The CHAIRMAN. What size ships can you dock at Brooklyn Navy Yard?

Admiral BENSON. I have forgotten—about 32 feet.

Mr. HULBERT. Except for these rocks referred to being there, what is the depth of the channel in the East River from Governors Island up to New York Yard?

Admiral BENSON. You could count on getting at least 40 feet.

Mr. HULBERT. When you have been interrogated in regard to the desirability of entrances to other navy yards, as compared to New York, have you had in mind the fact of the size of the commerce in the East River as compared with the commerce upon the streams leading to the other navy yards upon the Atlantic seaboard?

Admiral BENSON. I have no idea whatever of the commercial side of it.

Mr. HULBERT. Do you know, for instance, that the commerce on the East River is twice as large as the commerce on the Delaware leading up to Philadelphia?

Admiral BENSON. I have not the slightest idea.

Mr. BOOHER. If that was true, would it not be better to dry dock war vessels where commerce did not interfere; for instance, if the Charlestown Navy Yard could be made usable with the expenditure of money for a dry dock, would it not be better to avoid the large commerce in the East River and take it some place where there is not so much commerce and where you would have more room for the war vessels?

Admiral BENSON. I would say, sir, that if we could start a navy yard new, where we could avoid the channels and commerce and at the same time get the labor market and the supplies that are necessary for the proper running of the navy yard, that it would undoubtedly be very much more desirable.

Mr. BOOHER. Could not that be had at Philadelphia, Boston, or Charlestown, or Hampton Roads, down here, with a great deal less money than you could get it there, or even lower down in the city of New York?

Admiral BENSON. That might be; if you only want one navy yard, it could be done. I do not know about the cost. I am not in a position to discuss the cost of this.

Mr. BOOHER. Could you not get all the naval stores at Boston, Philadelphia, and lower down there in New York, or at Charlestown—any of those places?

Admiral BENSON. Unquestionably.

Mr. HULBERT. Is not the importance of the naval base determined by the value of the property to be protected, and is not the choice of the New York Navy Yard one of importance, by reason of the great amount of wealth centered in that section of the country?

Mr. BOOHER. What is the objection to letting the West contribute? Mr. HULBERT. New York City is contributing very liberally and paying two-thirds of the Underwood tariff law and nearly one-half of the tax upon individual incomes, and more than one-fourth of the tax upon corporation incomes.

Mr. BOOHER. You ought not to have so many rich men in one locality, but spread them around over the country.

Mr. HULBERT. New York hands it all back to the country.

Mr. COSTELLO. I take it you are here to answer questions in regard to navigation on these two points?

Admiral BENSON. Yes, sir.

Mr. COSTELLO. You do not want to enter into the controversy in regard to these other matters? There are other parts of the country besides New York. Admiral, if the Buttermilk Channel was dredged to give you a sufficient depth, as far as the naval base there is concerned, all the requirements would be met?

Admiral BENSON. Under normal conditions.

Mr. COSTELLO. I take it that is what you are here for, to answer these particular questions about getting in and out of the war vessels?

Admiral BENSON. Yes.

Mr. TREADWAY. That being the case, Admiral, what is the distance from where you get 40 feet down here below Governors Island up to a point where you begin to get 40 feet again in the river?

Admiral BENSON. About how far is it?

Mr. TREADWAY. How far would it require to be dredged to get 40 feet through the Buttermilk Channel?

Admiral BENSON. About half a mile.

Mr. TREADWAY. Then, by dredging about a half mile through the Buttermilk Channel you can get 40 feet of water from the ocean, by way of the Ambrose Channel, to the Brooklyn Navy Yard?

Admiral BENSON. Yes; I should say so.

Mr. TREADWAY. In other words, from the Battery up there is ample water; I understood you to say there was 40 feet of water from the Battery up?

Admiral BENSON. If this channel were deeper, there is no question about getting on this side, from the south.

Mr. SMALL. In using Buttermilk Channel there, the deepening required would be to the extent of about a half mile, you say?

Admiral BENSON. Yes.

Mr. SMALL. After leaving that stretch, going up the East River, until you come to the navy yard, there is how much water?

Admiral BENSON. It is about 40 feet, the least I find there.

Mr. LIEB. Are you familiar with the quality of material at the bottom; is it hard or soft in the Buttermilk Channel?

Admiral BENSON. I understand it is soft; I do not know.

Mr. LIEB. It could be dredged?

Admiral BENSON. I understand it could, sir.

Mr. HULBERT. Admiral, will you tell us what is the importance, from a strategic standpoint, of the improvement of the East River beyond the navy yard up through Hell Gate and up into Long Island Sound?

Admiral BENSON. That is, from the naval standpoint, the strategic value of the navy yard, we consider it almost if not an absolute necessity, in order to fully develop this position. For instance, not so much the New York Navy Yard as Long Island Sound. Long Island Sound has a tremendous strategic value from its position and the fact that at the eastern end of Long Island Sound it is already fortified and is susceptible of being protected at the entrance to it by mines and other means.

Mr. HULBERT. How long is Long Island Sound?

Col. BLACK. The distance between the Sandy Hook entrance at the southern end of New York Harbor and the eastern entrance of Long Island Sound is about 110 miles; practically it is 125 miles.

Mr. HULBERT. And what is the greatest width of Long Island Sound?

Col. BLACK. Fifteen or twenty miles.

Mr. HULBERT. What is the least width of Long Island Sound?

Col. BLACK. The least width is at the two ends. At one end, at Throgs Neck, there is a width of 4,000 feet, with deep bays at the side. Thence to the east the sound widens and continues wide until you get to the eastern entrance, and at the eastern entrance, as I recollect it—about 5½ miles.

The CHAIRMAN. Follow on down the map; I think it shows that.

Col. BLACK. You can see that here is Throgs Neck [indicating on map], the western end of the sound. Throgs Neck is 16 miles from the Battery. Then it widens out into a very large body of water, and at the eastern entrance is where the fortifications are.

Mr. HULBERT. I would like to ask a question, if it is proper for me to do so. I do not want to go beyond the scope of what is proper here. I would like to ask if there are desirable places on Long Island Sound for the location of a navy yard and naval ship-building plant.

Admiral BENSON. I think that there are, but, as I say, that is a question that should be decided by a careful examination, by men who are familiar with that particular phase of the work. I should think, from the general conditions as I have seen them in passing there, that there are places that would do for a navy yard very satisfactorily.

Mr. HULBERT. How many bridges are there below or south of the Brooklyn Navy Yard?

Admiral BENSON. Two.

Mr. HULBERT. One is the Brooklyn Bridge and the other is the new bridge known as Manhattan Bridge?

Admiral BENSON. Yes.

Mr. HULBERT. If either one of those bridges were destroyed and blocked the channel of the East River, would it be possible for you to take the large-draft dreadnaughts through Hell Gate and Throgs Neck and Long Island Sound and through the Race out into the Atlantic Ocean?

Admiral BENSON. I do not believe it would. It would be one of those cases where you might run the risk, but it would be too hazardous to undertake. It would be absolutely unpardonable to attempt it except in a case of absolute necessity.

Mr. HULBERT. Was there not a vessel taken through there some years ago?

Admiral BENSON. Yes; the *Massachusetts* ran through there.

Mr. HULBERT. What is her draft?

Admiral BENSON. Twenty-five or twenty-six feet.

Mr. HULBERT. She is one of the oldest ships?

Admiral BENSON. One of the first.

Mr. HULBERT. And after she went through was there not an order issued by the Secretary of the Navy directing commanders not to take any vessels of that class or character through Hell Gate?

Admiral BENSON. Yes, sir.

Mr. HULBERT. What is the minimum depth of the East River Channel above the navy yard, if you know?

Admiral BENSON. I do not know; probably 40 or 50 feet.

Mr. HULBERT. You have referred here to the North River. For the purpose of the record I would like to have it appear that the North River and the Hudson River are interchangeable terms.

Admiral BENSON. They are; yes, sir.

Mr. HULBERT. Can any of these larger vessels, such as vessels of the *Arizona* type, be accommodated at the present time in the Charleston (S. C.) Navy Yard?

Admiral BENSON. They could not.

Mr. HULBERT. Do you know what the average depth of the Delaware River is up to Philadelphia Navy Yard?

Admiral BENSON. I think you can count on 35 feet at high water all the way up.

Mr. BOOHER. How much at low water?

Admiral BENSON. I should think you could count on 30 feet.

Mr. BOOHER. Then, low water at Philadelphia Navy Yard is about as high as high water at New York Navy Yard, is it not?

Admiral BENSON. At certain points. For instance, in the Buttermilk Channel, as I said, you could count normal high water at 32 feet.

Mr. BOOHER. That is at New York?

Admiral BENSON. That is at New York in the Buttermilk Channel.

Mr. BOOHER. Thirty-five feet at Philadelphia?

Admiral BENSON. At high water.

Mr. BOOHER. At low water at Philadelphia it is 30 feet; what is the low water at New York Navy Yard?

Admiral BENSON. You mean the channel leading to it, I presume?

Mr. BOOHER. Oh, yes.

Admiral BENSON. In the Buttermilk Channel, as I say, there are places as low as 27 feet, and in this channel here it is 28 feet.

Mr. BOOHER. That is between Governors Island and the Battery?

Admiral BENSON. Between Governors Island and the Battery.

Mr. BOOHER. The low water at Philadelphia and high water at Philadelphia is better than it is at New York, is it not, at the navy yards?

Mr. HULBERT. Of course, Judge Booher knows we just appropriated over \$2,000,000 for the deepening of the Delaware River, and have not appropriated anything in four years for the development of the East River.

The CHAIRMAN. Let the admiral answer the question and then interject remarks.

Mr. BOOHER. It does not do any harm to get all of these statistics before the committee.

The CHAIRMAN. One at a time.

Mr. BOOHER. I want all of the facts before the committee, so they can put it properly before the House.

Admiral BENSON. As I said, I think you can count on 30 feet in the channel normally. Of course, when everything is normal you can get 30 feet at the Philadelphia Navy Yard at low water.

Mr. BOOHER. How much can you count on when the same conditions prevail at the New York yard?

Admiral BENSON. I should say not over 28 feet.

Mr. BOOHER. Under the same conditions, what is the state of affairs at the Boston Navy Yard?

Admiral BENSON. I would have to look over the Boston charts. As I said in the beginning, while I have taken the *Utah* into the Boston Harbor, I have taken it into every other harbor along the coast, and I would have to look at the chart to give you any exact information. I would not be willing to risk a positive statement without consulting the chart.

Mr. BOOHER. Admiral, would it not be a good plan, in your judgment, to have a navy yard properly equipped with a dry dock into which all the larger vessels of our Navy could go, south of Hatteras?

Admiral BENSON. Yes, I think so; yes, I do.

Mr. BOOHER. Would it not be better for the vessels themselves, for the men on the vessels, and for the Government if a navy yard



was south of Hatteras and one north of Hatteras, into which all the large vessels could go—those coming from the north to go to one north of Hatteras and those coming from the south to the dock south of Hatteras?

Admiral BENSON. I understand you are only going to have one navy yard?

Mr. BOOHER. I asked if it would not be better to have the two, one to be located south of Hatteras?

Admiral BENSON. I think we ought to have one on both sides. I think we ought to have at least one south of Hatteras and I think the other should be north of Hatteras.

Mr. BOOHER. Would it not be a good idea to put it at the place north of Hatteras where we have got the best water conditions as to depth, and so forth?

Admiral BENSON. You must consider the labor market and materials. That is a very important adjunct.

Mr. HULBERT. Must you also not consider the present investment?

Admiral BENSON. I think that should be. Of course, that is not in my province, but I think it should be.

Mr. BOOHER. Taking everything into consideration, would it not be better to put the navy yards at a place where you have got plenty of water—Boston, Philadelphia, or Portsmouth—than to put it where you have got to dredge so much for water?

Admiral BENSON. I think that goes without saying; if you can get all the conditions as they should be, that is the place to put the navy yard.

Mr. HULBERT. May I interject? I will put it in the form of a statement. I just want to call attention to the fact that for the improvement of the East River the total amount of money expended up to the present time is \$6,505,203, and no appropriations have been made under the project of 1868 (70 per cent completed) since 1912; that the annual commerce is 46,553,605 tons, having an approximate value of \$1,537,239,286, while for the improvement of the Delaware River from Allegheny Avenue, Philadelphia, to the sea the total amount expended is \$21,187,000, and \$5,388,525 will be required to complete the project for a river having a commerce of 24,817,952 tons having an approximate value of \$1,033,229,869, and that last year the Government expended on that river \$1,278,039.89, as against nothing on the East River.

Mr. COSTELLO. In answer to Judge BOOHER's question about having ideal conditions, or what you had in your mind about ideal conditions, Philadelphia could furnish those conditions as to labor, raw material, and water facilities.

Mr. TREADWAY. Include Boston and I will agree with you.

Admiral BENSON. I would say, without any hesitation, that I do think that Philadelphia possesses all of the qualifications for a first-class naval station, providing the channel is kept up in proper condition to reach it.

Mr. TREADWAY. Suppose I should ask the same question in regard to Boston, what would be your reply to that?

Admiral BENSON. I think the Boston yard possesses a great many of the desirable features. It has the location to a certain extent; it is a little nearer the position that the enemy's vessels could take up on the outside with modern gunfire, and its area is very restricted.

Mr. TREADWAY. Have you any information, Admiral, as to how nearly completed the dry dock is in Boston?

Admiral BENSON. They have just commenced it, and I think probably it will take one and a half or two years to complete it.

Mr. TREADWAY. But you have already told me that when completed it will be able to accommodate the largest vessels so far planned?

Admiral BENSON. Yes, sir. Any vessel that would go through the Panama locks could be accommodated in that dock.

Mr. HULBERT. Admiral Benson, is there any harbor in the United States other than the New York harbor that has a double entrance and double exit?

Admiral BENSON. I do not think we have any, sir.

Mr. HULBERT. Do you consider that to be a decided advantage in favor of the navy yard and New York Harbor, as against Philadelphia and Boston?

Admiral BENSON. I think that this channel, if dredged to proper depth, regardless of the navy yard or the city of New York or Brooklyn or any other consideration whatever except the national defense of the country, from the strategic standpoint, is unexampled on the coast.

Mr. COSTELLO. Mr. HULBERT in his remarks brought out the fact that the East River has two entrances. The Government has considered, and there is before the committee, a project for the purchase of the Delaware & Chesapeake Canal, and with the taking of that over by the Government, and Philadelphia on the Delaware River, Chesapeake Bay would be connected up by that link, and that would give an exit both by the Chesapeake Bay and Delaware River to the Atlantic Ocean.

Mr. HULBERT. Will the gentleman from Pennsylvania permit a question? The Chesapeake Canal is a new project. What is the estimated cost of its completion?

Mr. COSTELLO. I can not answer that question. I do not know.

Mr. HULBERT. Connect up the Delaware River with Raritan Bay, and New York Harbor will have three entrances and three exits.

Mr. BURGESS. Admiral, how long has this navy yard been located in New York?

Admiral BENSON. As I said, about 100 years. I would have to consult the records to get it exactly.

Mr. BURGESS. Can you give me any rough figures of the total cost of the yard up to date?

Admiral BENSON. You mean the yard and what it cost to man it, and all that?

Mr. BURGESS. Just rough figures, if you can come near it.

Admiral BENSON. That would be the wildest kind of a guess. To begin with, I do not know just how many years, as I said before, it has been in existence. The estimated value would be between \$20,000,000 and \$25,000,000, but part of the yard, as you know, was sold off some years ago, and whether that was a source of revenue I could not say, and it would be an absolute impossibility for me to approximate what it has cost the Government, but it must have cost—as I take it you would want all of the money expended on it, regardless of any other consideration?

Mr. BURGESS. Yes.

Admiral BENSON. That would be hundreds of millions. I could not tell.

Mr. EDWARDS. Have you conceived a proper plan for national defense that would fail to include a navy yard in the neighborhood of New York that could be satisfactory and meet the necessities?

Admiral BENSON. It might be possible, but not desirable.

Mr. HULBERT. Admiral, you were speaking of the difficulties awhile ago of getting around from the North River to the navy yard, both as to going through Buttermilk Channel, on account of the lack of depth at certain times, and through the other channel of East River on account of certain obstructions. There are times, I suppose, when a vessel might be in such a condition as to draw much more water than in normal conditions?

Admiral BENSON. Yes, sir; she might be injured, and from our point of view that is what we always consider—that we ought to have a depth of water that would allow a ship that had suffered underwater damage and was drawing an abnormal draft to enter, and it would undoubtedly require a greater draft of water to get up there.

The CHAIRMAN. Suppose you had a depth of 30 feet, you could carry the vessels you now have through the channel under ordinary conditions? I am not speaking of vessels to be built in the future.

Admiral BENSON. Yes, sir.

The CHAIRMAN. How much water might one draw in a crippled condition?

Admiral BENSON. We ought to have at least 35 feet.

Mr. BOOHER. What is the condition of the river at Buttermilk Channel; is that soft bottom?

Admiral BENSON. I understand that is soft.

Mr. BOOHER. And could be dredged out to get all the depth there you want in a half mile, could you not?

Admiral BENSON. That is my understanding.

Mr. BOOHER. Have you ever estimated what the cost would be to dredge Buttermilk Channel and give you all the water you need to get up to the navy yard?

Admiral BENSON. I have not.

Mr. HULBERT. I would like to ask the admiral if there is any other explanation he desires to make.

Admiral BENSON. As representing the Navy Department, I would feel that I was neglecting what I came for, so far as the department is concerned, if I did not insist that as long as we have a New York Navy Yard, with the dry dock prepared to do the work it is intended for, that it is a pressing necessity that we should be able to get up there under all conditions.

Mr. HULBERT. Are there any dreadnaughts under construction at the New York Navy Yard at the present time?

Admiral BENSON. Two—at least, the *California* is nearing completion there; the *Arizona* is being constructed; and *No. 43* will be laid down there during this year.

Mr. HULBERT. What is the draft of the *California*?

Admiral BENSON. About 30 feet.

Mr. HULBERT. And the *Arizona* is 30 feet?

Admiral BENSON. They are all that.

Mr. HULBERT. And what is intended to be the draft of *Nos. 43* and *44*, which are about to be laid down?

Admiral BENSON. They are the same.

Mr. TREADWAY. Is that the full capacity of the yard?

Admiral BENSON. Practically, at present, the *Arizona* has been launched, the *California* will be launched this summer, and one of the others will be laid down.

Mr. TREADWAY. You have as many in the ways as the capacity of the yard will accommodate?

Admiral BENSON. Under present conditions.

Mr. HULBERT. When the *California* is launched it will be possible to lay down another on the ways?

Admiral BENSON. It will be possible to lay down another on her ways immediately on her being launched, and we are also anticipating possibly trying to get the way for another.

Mr. HULBERT. So that you anticipate within the next year having three dreadnaughts of 30-foot draft or more under construction in the Brooklyn Navy Yard?

Admiral BENSON. The *California*, *Arizona*, and *No. 43*, all 30 feet.

Mr. HULBERT. Is not the *California* 31 feet?

Admiral BENSON. I do not think it is.

Mr. TREADWAY. Has there been any estimates as to the time of completion of the *California*?

Admiral BENSON. There has been. We hope to complete her certainly within a year.

The CHAIRMAN. Admiral, what is the difference in draft of those battleships before the load is on and after the guns and equipment are aboard?

Admiral BENSON. I suppose when they are launched they would not draw over 20 feet. The way we get at it is by tons per inch; about 91 tons weight on one of them causes them to sink in the water 1 inch.

The CHAIRMAN. Is there in contemplation the building of larger guns—guns of heavier weight?

Admiral BENSON. We are putting 14-inch guns on all these vessels being built there.

The CHAIRMAN. That adds to the weight, of course.

Admiral BENSON. That adds to the weight; but their ultimate weight will be approximately what they were designed to carry, and they were designed to carry 14-inch guns.

The CHAIRMAN. I was inquiring whether or not that would necessitate deeper-draft vessels?

Admiral BENSON. They were designed to carry 14-inch guns; so that their draft would be, as I say, 30 feet.

The CHAIRMAN. You do not have in contemplation building any vessels that would draw more than 30 feet?

Admiral BENSON. Yes; the subject is under discussion; and, as I say, we have even contemplated building vessels up to 32 feet draft.

The CHAIRMAN. You may have stated awhile ago, but how many vessels can you accommodate at the same time at the Brooklyn Navy Yard?

Admiral BENSON. We only have one building slip there now—for dreadnaughts—but in a recent report received from the yard they said they had room there to build one more slip, provided the money were appropriated—that they thought they could provide for one more slip—so that two ships would be on the building ways under construction, and two alongside the fitting-out pier for completion, which would practically mean four ships under construction at the yard at the same time. At present, of course, we only have the one building slip.

The CHAIRMAN. Two for construction and two for the purposes of fitting out vessels?

Admiral BENSON. Yes, sir.

The CHAIRMAN. After they have been launched?

Admiral BENSON. After they have been launched they are completed and then fitted out at that yard.

Mr. SMALL. As I understand you, representing the Navy Department, you express the opinion that an increase of depth of the entrance from



the lower bay, either via Buttermilk Channel or through the channel between Governors Island and the Battery, to 35 feet will answer the purposes of a complete use and utilization of the navy yard?

Admiral BENSON. Yes, sir.

The CHAIRMAN. If there is anything more, Admiral, we will be glad to hear you.

Admiral BENSON. I think I have stated my case. There is only one thing we would like you to fully understand—that is, we consider it a pressing necessity to be able to get to the New York Navy Yard under all conditions.

STATEMENT OF COL. WILLIAM M. BLACK, PRESIDENT BOARD OF ENGINEERS FOR RIVERS AND HARBORS, GOVERNORS ISLAND, N. Y.

The CHAIRMAN. What I wanted to ask you about first, Colonel, was the cost of removing the obstructions in East River where the vessels go out of North River to the navy yard.

Col. BLACK. Yes, sir.

Mr. HULBERT. May not Col. Black take up each successive obstruction from the North River Channel up to the navy yard and locate the rocks to be removed and give us an idea of its extent and what it would cost to take it out?

The CHAIRMAN. I wish to confine the investigation first to the matter covered by the letter from the President.

Mr. HULBERT. Up to the navy yard.

Col. BLACK. There are no obstructions at all in the channel from a point opposite old slip on the East River, east side of Manhattan, to the entrance to the navy yard. The only obstructions that there are in the channel itself are limited to Coenties Reef, southwest of that slip on the East River and on a line between Castle William and the Battery on the west.

Mr. HULBERT. Castle William being on Governors Island?

Col. BLACK. Castle William being on Governors Island. There is deep water all through here. I will show you a channel to-day which has over 35 feet, if you will just follow my pointer. There is a channel now through the rock, but you can see the shape of it; a ship can not follow it.

Mr. HULBERT. It is like a letter "S."

Col. BLACK. There [indicating] and right in the channel is a pinnacle rock having over it only 28 feet of water, and all around it it is over 35 feet.

These obstructions here consist, first, of a rocky reef running out from Governors Island toward this deep channel; another rocky reef running out from the Battery, limiting the channel.

These are pinnacle rocks in the channel, and the reef called Coenties Reef, lying in East River, a little way beyond it. The Coenties Reef lies directly across the line of the present deep channel there [indicating]. This material in these "reefs," as we call them, is not very thoroughly known. The reason is that in order to know it thoroughly you have to go to a very large expense in making probings and borings over the whole surface, and that expense has not been warranted yet, for the reason that it has not yet been allowed by Congress, the project not having been approved, but Coenties Reef has been gone all over in that way, and it is almost entirely rock. There are 28,000 cubic yards of rock in Coenties Reef and only about 5,000 yards of soft material, so that is negligible. We believe, from the knowledge that we have of pinnacle points sticking up and the knowledge of the formation of the bottom of the East River elsewhere, that these reefs are irregular rock surfaces, with the hollows filled in with hardpan, and until we have money and the project is adopted, which will enable us to bore over the whole thing, that is the closest description anybody can give; but we know there are rocky points sticking up in that.

The CHAIRMAN. Has the process of sweeping been utilized to ascertain that?

Col. BLACK. The process of sweeping will tell us how many protuberances there are, but the course we have been compelled to follow in the absence of a general project for the East River is to have a ship run into one of these. The complaint is then made that there is an obstruction; then we sweep to find the nature of the obstruction, and we find the rock.

The CHAIRMAN. It has to injure the ship first?

Col. BLACK. Yes, sir; that is the way the rocks are found in East River. I am not joking, because only two weeks ago on Shell Reef the advice came in that a ship had struck an obstruction where the water was reported 19 or 20 feet deep, and it was supposed to be a rock. Then, as is our duty, we went out to investigate and found pinnacle rocks right there where the chart shows a greater depth, and the reason the charts are wrong is no fault of the Coast Survey, but simply you can not locate those rocks by sounding, and sweeping each river is expensive, and we are doing it as fast as we can, but it is slow.

On this Buttermilk Channel we have here [indicating] a reef of rock sticking out. Separate projects have been made for the improvement of the Buttermilk Channel and for the channel between Governors Island and the Battery. The Buttermilk Channel is part compacted mud and sand, some rock, and some soft material. The estimated cost of making a channel through the Buttermilk Channel which would take up the whole width between Governors Island and Brooklyn is, as I recall, \$1,950,000, with \$25,000 annually for maintenance. I would want to look up the figures to be accurate. There is a printed and recommended project before you, so it is easy enough to tell from that. All I know is that it is considerably more than it would cost to improve and take out the reefs here [indicating the outer channel]. The cost of removing these reefs here and getting the 35-foot channel 1,000 feet wide, which will afford 1,000 feet of channel with a depth of 35 feet at mean low water and 1,100 feet in addition of channel with depths over 18 feet of water, is \$777,000. Nothing is estimated for maintenance, since experience so far has shown that stable conditions prevail.

The CHAIRMAN. You are speaking now of removing the obstructions?

Col. BLACK. All obstructions here in this entrance of East River directly off the Battery.

Mr. SMALL. That gives an uninterrupted minimum of 35 feet from the east to the navy yard?

Col. BLACK. Yes, sir. I am taking this whole thing, including Coenties Reef, as one piece of work.

Mr. SMALL. Will you kindly describe the location of Coenties Reef; point it out?

Col. BLACK. Coenties Reef is here [indicating], running that direction.

Mr. SMALL. Opposite where?

Col. BLACK. Opposite Coenties Slip. The other reefs then start in a little to the south of that, right here [indicating], this one coming north from Governors Island; this one going south from the Battery, leaving this deep channel in between, which has some pinnacle rocks in it.

Mr. SMALL. And the partial project you describe, giving a minimum depth of 35 feet from the east up to the navy yard, between Governors Island and the Battery, includes Coenties Reef?

Col. BLACK. Yes, sir.

Mr. SMALL. And it would cost \$777,000?

Col. BLACK. That is the estimated cost we gave here.

Coenties Reef is about to be taken out, partly by the city of New York, and the specifications for that work are in the hands of the Chief of Engineers for approval. We hope to get them back and have the work advertised for proposal within a very short time.

Mr. SMALL. How much has been appropriated for that? Has sufficient been appropriated for that work by Congress in cooperation?

Col. BLACK. Yes, sir. Congress has appropriated a sufficient sum, but there was an unfortunate misunderstanding of just the meaning of Congress, and the city of New York has appropriated \$240,000, and unless I can get pretty good bids, which I am working for, and which I have reason to hope we will get, we can not go into it, because I do not think the city of New York, tied up with a subway and big piers, can afford to give more than \$240,000.

Mr. SMALL. How much had she ought to give?

Col. BLACK. That is all she ought to give; but in order that I should be able then to enter into contract at all for any of it, the contract price must be low enough to have the \$240,000 cover New York City's share. Do I make myself clear?

Mr. HULBERT. For the purpose of the record, how much has Congress appropriated for this work of removing Coenties Reef?

Col. BLACK. Congress passed a joint resolution last year, authorizing this work to be done, and allotment has been made from the lump sum for that.

Mr. HULBERT. Of how much?

Col. BLACK. I did not bring those figures with me; I can find them for you. I have, from the allotment and the authorization from the whole appropriation, available for this work the sum of \$264,000, and I did not expect to use it. The cost to the United States would be in the neighborhood of \$150,000 or \$160,000—considerably less than the cost to the city of New York. In order that we can make a contract at all I have got to get a price which will be less than \$240,000 for the city of New York's share, which is more than half the total cost.

Mr. SMALL. Have you gone sufficiently far to see what the probability of your getting such a bid is?

Col. BLACK. I did not put out specifications until I found that out, Mr. Small.

The CHAIRMAN. Why is it costing New York more?

Col. BLACK. The reason is this, and I did not think it was apprehended—the rock is of that shape [indicating a flat cone]. The United States takes down to the 35-foot depth, taking off the small top. New York takes down there between 35 and 40 foot depth and gets the big base.

Mr. TREADWAY. You spoke of a misunderstanding as between the city and Congress?

Col. BLACK. No, sir; I did not speak of that. The misunderstanding was between my office and the Chief of Engineers, but that is a separate matter. I would be very glad to explain. However, all I think is necessary now is that I have every reason to believe that within the next month we can advertise and that after the month of advertisement we will be able to enter into a contract in accordance with the terms of Congress for the complete removal of Coenties Reef.

Mr. SMALL. How much will that reduce the original estimate of \$777,000?

Col. BLACK. I made my estimate three or four years ago for \$777,000 for that whole thing. Since then, the State of New York has passed a labor law and employer's liability law, which bears particularly hard on men engaged in dredging and excavating rock under water. In addition to that, the prices of labor have gone up very materially, and I had put my estimates down to what I thought was the lowest figure I possibly could at that time. I was very much in hopes that the committee would not interrogate me too closely and would let me have that little margin that I may get from Coenties Reef, knowing perfectly well I will get the best contracts I could and keep the prices down to the lowest, and I would have a little margin.

The CHAIRMAN. He is asking you with reference to the estimates.

Col. BLACK. That is it. I was just saying I was hoping that question would not be asked, and that you would take \$777,000 and forget there was anything as to Coenties Reef, knowing full well that the money would not be spent if not needed.

Mr. FREAR. Do you not think it best to let us work intelligently?

Col. BLACK. I am perfectly willing to tell the committee everything. The effect of my work in New York, gentlemen, has been to reduce the cost of work of excavation each time, because I was convinced that the price that had been paid for rock excavation was too high. The contractors complained a little, but I threatened to put my own plant in and do a lot more things, and the result is I have been successful in getting cheaper bids right along.

You gentlemen ask me what reason I had to believe that I could get this contract made for Coenties Reef. The reason was just this— (At this point informal discussion was had.)

Mr. KETTNER. There are two channels. One is termed Buttermilk and the one between Governors Island and the Battery—they have been spoken of this morning?

Col. BLACK. Yes.

Mr. KETTNER. Which one of those, in your opinion, is the greatest good to commerce?

Col. BLACK. This one, because it is wider; the one between Governors Island and the Battery will give, in addition to a thousand-foot channel, 35 feet deep, 1,100 feet of channel for vessels between 18 and 30 feet.

Mr. KETTNER. Then if the committee would undertake either one—

Col. BLACK. I would strongly recommend this one [indicating]. Then there is another advantage about this one, and that is in all of this work on the East River we had ever done in clearing away these reefs there is no cost for maintenance. It is permanent.

Gentlemen were speaking of the Delaware River. It is true they have a 60-mile channel 30 feet deep, a pretty nice channel, of ample width. But they have to dredge it each year; it will not hold. This work in the East River is permanent. It is a removal of things which do not come back.

Mr. KETTNER. The only work you think that it is absolutely necessary in the interest of both commerce and the Navy would be this \$777,000 appropriation that you speak of?

Col. BLACK. At this point [indicating Corlears Hook Reef] is a reef, which also figures in our estimates, a reef opposite the navy yard.

Mr. TREADWAY. You said that this estimate of \$777,000 was made several years ago?



Col. BLACK. Yes, sir.  
Mr. TREADWAY. And in the meantime we have appropriated money to do away with Coenties Reef?  
Col. BLACK. Yes, sir.  
Mr. TREADWAY. And consequently there is a come and go margin in that \$777,000?

Col. BLACK. Yes, sir.  
Mr. TREADWAY. But in view of the additional cost to which you have referred, such as increased labor, the liability law, etc., how much difference, do you take it, there would be in your estimate of \$777,000 if we were bringing that estimate up to date?

Col. BLACK. I think if I were bringing that estimate up to date I would put pretty nearly the same I have now. One reason why I always hold my estimates low, at the risk of going back to Congress, is this: When the contractor has commenced to figure on a new piece of work, the first thing he does is to take the engineer's estimate, and if the engineer's estimate is up in the air he will bid accordingly. So, even at the risk of having to come back—fortunately, I have not done it—all my works are being completed inside of the estimate; I take the risk of coming back partly for the reason that if I put my estimates high the contractor will bid high.

Mr. TREADWAY. As I understand you, \$250,000 will be expended on Coenties Reef?

Col. BLACK. No, sir; I have \$248,000 available, belonging to the United States, of which I expect to spend \$150,000, or maybe \$170,000.

Mr. TREADWAY. In other words, you would increase the estimate to-day for that work if you had it to do over again \$150,000?

Col. BLACK. About that; about what would do for this Coenties Reef.  
Mr. TREADWAY. I would like to get that clear in my mind. What project is this \$777,000 item under?

Col. BLACK. The general project for the improvement of East River.  
Mr. HULBERT. I have a map here, Mr. Chairman, which has the exact outline of what these rocks are, and perhaps it would be better understood if you would look at this map.

Mr. TREADWAY. I would like to get it in my mind clearly as regards the relations between the project now in process, including this appropriation, and the further appropriation. That, of course, is the old project; that has been adopted?

Col. BLACK. Which one?  
Mr. TREADWAY. This \$777,000?

Col. BLACK. No, sir.  
Mr. TREADWAY. But the Coenties Reef has?

Col. BLACK. That was last year by a joint resolution, and the reason of that is because they are building a tunnel there, and it would be dangerous to take the reef out after the tunnel has been completed.

Mr. TREADWAY. Yes; but this \$777,000 project—where does that project end and where does the so-called East River project of \$777,000 begin?

Col. BLACK. The \$777,000 item is a part of the \$13,000,000 project.  
Mr. TREADWAY. To what point does your \$777,000 estimate run?

Col. BLACK. From that slip to the deep water of the bay [indicating].  
Mr. TREADWAY. In other words, the adoption of the \$777,000 project would give 40 feet to the Brooklyn Navy Yard?

Col. BLACK. Thirty-five feet mean low water.  
Mr. TREADWAY. The admiral testified both sides above Governors Island and below 40 feet. You say 35 feet.

Col. BLACK. I am only taking out 35 feet across these reefs.  
Mr. TREADWAY. Other than at the reefs, the highest projections?

Col. BLACK. Exactly.  
Mr. TREADWAY. Then you would, by the adoption of the \$777,000 project, get clear 35 feet from here to the Brooklyn Navy Yard at mean low water?

Col. BLACK. Yes, sir.  
Mr. TREADWAY. If the wind does not blow it out more than ordinarily?

Col. BLACK. The mean low water is the mean between the spring and the neap-tide low waters.

Mr. TREADWAY. Does the adoption of that portion of the project calling for the appropriation of this \$777,000 carry with it the adoption of the entire East River project?

Col. BLACK. Not unless Congress so wills.  
Mr. TREADWAY. In other words, are we considering two separate projects? That is what I am trying to get clear. Whether we are mixing in the fact of getting good water to the Brooklyn Navy Yard with the further fact of getting 30 or 35 feet out to Long Island Sound?

Col. BLACK. The original project that I had was to get deep water and good water from the deep water of the upper harbor to the deep water of the Sound.

Mr. TREADWAY. What do you call the "upper harbor"?  
Col. BLACK. The upper bay of New York. There are the upper and lower bays [indicating on the map]. The completion of the entire project would get deep water from the ocean on the south to the deep water of the ocean opposite the eastern end of Long Island, and in making estimates of required work the estimates for certain specific points which I named were totaled. This is one of the specific points, one of the items entering into the \$13,000,000 project.

I had this strong hope that Congress would see its way clear to adopt the project in full, and then allow the money to be expended at the points where it was most needed, but under the circumstances that seems to be considered impracticable.

Mr. TREADWAY. Under your hopes, as expressed, what would you consider the first point needed?

Col. BLACK. Gentlemen, here is Long Island Sound [indicating]; here are the Narrows down there. The distance between here, the entrance to the Sound, and the entrance there, is about 125 miles, roughly, outside. We have fortifications here [indicating]; we have inner fortifications here at Throgs Neck.

Mr. TREADWAY. How far is Throgs Neck from the navy yard?

Col. BLACK. About 15 miles, just at the end of East River.

Then we have fortifications here, right across there [indicating], at the eastern end of Long Island Sound.

Mr. HULBERT. That is what you refer to as the "race."  
Mr. SWITZER. How long would it take to do the work covered by this \$777,000 project?

Col. BLACK. Three years.  
Mr. TREADWAY. May I finish?

Col. BLACK. There was one other point I have not finished. There is one other reef area, out at Hell Gate, which bars the passage into

the Sound, and that is all. The estimated cost of removing that reef area is about \$1,841,000.

The CHAIRMAN. Point that out.  
Col. BLACK. Right here [indicating on the map]. Going back to the \$13,000,000 project, as reported on page 6 of Document 188, Sixty-third Congress, first session, the items of work named in the table at the foot of the page, which are necessary to do for the free movement of the Navy in or out of New York Harbor, at both entrances, are the first item: Work at and near Battery Channel, 1,000 feet wide, \$777,228, and the seventh and eighth items for \$1,841,000.

Mr. BOOHER. Is that the project we are talking about now?

Col. BLACK. Yes, sir; the seventh and eighth items.  
Mr. FREAR. It would help us if you would point to it.

Col. BLACK. These items cover the work of removal of the reef between Wards Island and Hallets Point.

The CHAIRMAN. Colonel, will you point the places out on that map?

Col. BLACK. Right there [indicating on map]. If you will take that House document, it is all there. It is these shaded portions right there.

The CHAIRMAN. Where is the navy yard?

Col. BLACK. The navy yard is here, where my stick is pointing.

The CHAIRMAN. You had a map with both?

Col. BLACK. Here it is on this map [indicating on blue print]. Here, where you see the spots of red, is the \$777,000 point.

Mr. HULBERT. That is the first one?

Col. BLACK. That is the first one. Coming up the East River there is the navy yard [indicating]; going on out the East River there is the end of Hell Gate, where the \$1,800,000 work ought to be done.

The CHAIRMAN. \$1,800,000 work?

Col. BLACK. Yes, sir.  
Mr. HULBERT. Where is the pot rock?

Col. BLACK. Right in this same area I pointed out.

Mr. TAYLOR. I want to ask you one question. The President informs our chairman of the committee that immediate improvement of the East River adjacent to Brooklyn Navy Yard should be taken up. Point with your stick what you construe his meaning to be on the chart.

Col. BLACK. I am quite sure that he means this down here [indicating], and he may mean this [indicating Corlears Hook Reef] as well.

Mr. TAYLOR. Remembering what you have available, if anything, what should this bill contain to cover the idea expressed by the President adjacent to the navy yard?

Col. BLACK. I think he had in mind purely the reefs at the mouth of the river.

Mr. BURGESS. That is between Governors Island and the yard?

Col. BLACK. Yes, sir. If you should want to include an item of this kind, you simply say for the item such and such page, such and such document, to provide a through channel 35 feet, work at or near channel 1,000 feet wide.

Mr. TREADWAY. That brings us right back to the question previously asked, which I do not still understand. Do you construe that item as a possible item, irrespective of the adoption of the entire East River project?

Col. BLACK. Yes, sir; it can be put in in either way Congress desires.

Mr. TREADWAY. And you consider that the item that you have just read is the one to which the President refers in his communication to Mr. SPARKMAN?

Col. BLACK. That is my belief.

Mr. TREADWAY. You have given us a very interesting description of certain features of the so-called preparedness or national-defense proposition. Let me ask you whether or not, under our jurisdiction—I mean this committee—having to do with commercial navigation, this one item to which you have referred, called for \$777,000, is not the item directly applicable to navigation in connection with various subdivisions?

Col. BLACK. It is. One of the United Fruit steamers struck on Coenties Reef a while ago.

Mr. TREADWAY. We ought not to consider Coenties Reef.

Col. BLACK. That is in this item.

Mr. TREADWAY. What, in addition to the depth of 35 feet at Coenties Reef, will remain to be done of this \$777,000 project when that project is finished?

Col. BLACK. About \$700,000 worth of work will be required.

Mr. TREADWAY. What proportion of the entire project is the Coenties Reef project—I mean this one item?

Col. BLACK. Perhaps one-eighth; I am not quite sure. It is very hard to get at it in that way. Coenties Reef is a deep reef, and you can cut it off in deep cuts. These others are shallow cuts.

The CHAIRMAN. It is considerably more than one-eighth, because it is \$250,000 out of nearly \$800,000.

Mr. SMALL. I understood the colonel to say the matter was made difficult and indefinite on account of labor conditions and other conditions.

Col. BLACK. I have allowed that margin to get through on.

The CHAIRMAN. In answer to Mr. TREADWAY's suggestion, of course it is very easy to adopt that particular work and not adopt the whole project. We did that when we took on the Coenties Reef by using appropriate language.

Col. BLACK. And if you are alluding, in your adoption, to this document, the place and the work to be done is absolutely fixed on the maps given in this document.

The CHAIRMAN. The language can be framed to cover that.

Mr. TREADWAY. I understand him to say so far as the \$13,000,000 project is concerned, the one section calling for this appropriation of \$777,000 or thereabout, is the one section having to do with the item of commercial interest of New York.

Col. BLACK. Not the one section; it all has to do with that, but all of it is very important commercial matter to New York.

Mr. TREADWAY. The exigencies which we are meeting hereabout and which our colleague has presented to this committee, looking toward certain features of preparedness, would not apply to mercantile projects other than from the factor of preparedness? I am trying to differentiate in my mind between what is important in this project for commerce and what is important for preparedness.

Col. BLACK. For commerce the whole project is important; for preparedness the two ends of it, the Hell Gate and the Governors Island end.

Mr. SMALL. May I make a statement here, and follow it by a question, with the hope of clarifying the situation a little? The President has asked that we include in this bill the improvement of the East River adjacent to the Brooklyn Navy Yard?

Col. BLACK. Yes, sir.  
Mr. SMALL. You have stated, in answer to a question, that you interpreted that language to mean that part of the improvement leading from

the Upper Bay through the channel between Governors Island and the Battery, and which includes Coenties Reef, at an estimated cost of \$777,000?

Col. BLACK. Yes, sir.

Mr. SMALL. Now, you have found it difficult to estimate how much the pending appropriation for the removal of the Coenties Reef would reduce that original estimate?

Col. BLACK. Yes, sir.

Mr. SMALL. But you would bring it down to \$700,000?

Col. BLACK. I think so.

Mr. SMALL. Now, if this committee should undertake to include that in this bill, how much of that \$700,000 would you require—how much could you economically spend for the next fiscal year, or until the next river and harbor bill, which must be passed at the short session in December?

Col. BLACK. I could not expend in that time over \$200,000.

Mr. SMALL. Then, further, you have also stated that while this was an entire project from the Upper Bay to the end of the East River at Hell Gate, that it had been divided and that this part, leading from the Upper Bay to the navy yard could be adopted as a part without adopting as a whole.

Col. BLACK. Yes, sir; that can be done.

Mr. SMALL. So that if the committee should adopt this part of the project it would only require an appropriation in this bill of \$200,000.

Col. BLACK. That is all the appropriation, but if you want to get the work done inside the figures, you would have to give me authority to make a continuing contract for the whole of it.

Mr. SMALL. For the whole thing?

Col. BLACK. Yes. Cash \$200,000, and a continuing contract for about \$500,000. That would enable me then to get the best bid.

The CHAIRMAN. Just one moment. Then, Colonel, in order to get the larger ships to the navy yard, all that we have to take out is Coenties Reef. Just point to the places where rocks are that should be taken out to comply with the President's recommendation, and to enable ships to get into the navy yard with 35 feet of water.

Col. BLACK. They extend from a point here [indicating] to the south of Old Slip right to a point at the east end of the Battery; this area here that I am covering with my pointer between the Battery and Governors Island.

The CHAIRMAN. That requires about \$730,000—\$777,000 is given, less whatever comes out? That is the item you refer to?

Col. BLACK. Yes.

Mr. BOOHER. Colonel, I want to ask you a question as to Document No. 44, Sixty-third Congress, first session, relative to the improvement of Buttermilk Channel. Now, you say that the other is better. Why the change?

Col. BLACK. There is no change. You will find that both projects are printed in the House documents of the Sixty-third Congress, first session. The Buttermilk Channel report is in Document No. 44, the East River report in Document No. 188. Both are important and much-used entrances to the East River. They were considered as such, reported on by different people. Both are worthy of improvement. At some time both will be improved, and it is simply a question which will be improved first.

Mr. EDWARDS. Both are a menace to commerce now?

Col. BLACK. Yes; and both are crowded.

The CHAIRMAN. You are correct in assuming that both will be done, I think, because both are needed.

Col. BLACK. Yes. There is no question of that.

The CHAIRMAN. Buttermilk Channel will have to be deepened eventually?

Col. BLACK. Yes; as certainly as anything can be.

Mr. EDWARDS. Why do they call it Buttermilk Channel?

Col. BLACK. I don't know. It is said that at one time the cows used to walk across from Governors Island to Brooklyn. I don't know whether that has anything to do with it or not.

Mr. BOOHER. Now, you refer to that navy yard there as New York Navy Yard and then as Brooklyn Navy Yard. Are they both the same?

Col. BLACK. Both the same. The New York Navy Yard is situated in Brooklyn.

Mr. BOOHER. I asked that because I didn't think there were two navy yards there.

Col. BLACK. Just the one.

The CHAIRMAN. It was at one time called Brooklyn Navy Yard, because Brooklyn was not in New York City then.

Mr. EDWARDS. It used to be always known as the Brooklyn Navy Yard.

Mr. HULBERT. I want to ask you if the ferry boats operating between New York and Brooklyn and New York and Staten Island do not make almost exclusive use of the Buttermilk Channel route?

Col. BLACK. The greater numbers operating from the south ferry go through the Buttermilk Channel. One line which runs to Staten Island sometimes goes this way and sometimes the other way.

Mr. HULBERT. Isn't there a greater amount of small boats passing through Buttermilk Channel than through the channel between the Battery and Governors Island?

Col. BLACK. No; there is not a greater amount in quantity but relatively to the width of the channel there is. The maximum channel that can be obtained through the Buttermilk Channel is 1,000 feet, while the channel between Governors Island and the Battery can have 2,200 feet.

Mr. HULBERT. So that the development of Buttermilk Channel to the exclusion of the other would create greater interference with small boats?

Col. BLACK. Yes.

Mr. HULBERT. Have you a statement of the amount of money expended by the local interests for the improvement of East River?

Col. BLACK. I have one that is not up to date. It was prepared in July, 1913, by direction of the Chief of Engineers.

Mr. HULBERT. You spoke of the necessity of improving Hell Gate and Potts Rock, and I want to ask what is the smallest amount of money, or what is the greatest amount of money that you could expend in the improvement of those places within the next year?

Col. BLACK. They are very close together, and there should be only one plant working there, and they would not spend more than \$300,000 or \$400,000 a year.

Mr. HULBERT. So that considering the improvement of Hell Gate, with respect to giving us an outlet to the ocean to the east of Long Island, and the improvement of the reef off the Battery, giving us an

outlet from the navy yard to the ocean to the west of Long Island, which would make navigable the whole East River from the Upper Bay to the sea for the larger vessels, you would require an appropriation of \$500,000 and a continuing contract in the case of the lower reef of \$500,000, and to Hell Gate and Potts Rock of how much?

Col. BLACK. If I could get \$400,000 or \$500,000 for that—I don't think it is advantageous or that anything would be gained by making a contract for more than \$500,000 or \$600,000. No contracts can be made for amounts greater than have been authorized by Congress. Therefore the amount appropriated, or authorized by continuing contract provision, should be the amount necessary to obtain advantageous bids. In the case in question, since the estimate is \$1,841,000, three separate appropriations of \$613,000 each would secure good results.

Mr. HULBERT. You don't think it advisable that the whole project should be adopted with an authorization at this time for the commencement of work at the Battery, and at Hell Gate, and at Potts Rock?

Col. BLACK. If that were practicable. I understand that there are objections against the adoption of the entire project at this time. It would be very advantageous if it were adopted in its entirety, because every once in a while we find a rock in the East River which should be removed promptly. The adoption of the complete project would enable the most advantageous use to be made of whatever sums might be appropriated annually. Further, it is expected that the contract prices will vary from time to time, and that while the entire work can be completed within the estimate, the actual cost of work included in any one of the items given on page 6 of document 188 may be somewhat greater or less than the estimate for that item.

Mr. HULBERT. In other words, if the whole project for the improvement of the East River were taken on at this time, it would leave you free to spend the appropriation of Congress to remove these obstructions, which are not now easily discoverable, but which are turned up from time to time by injuries resulting to freight steamers and passenger steamers?

Col. BLACK. Yes.

The CHAIRMAN. Any further questions? Capt. Knapp is here. Would you like to make a statement, Capt. Knapp? We would be glad to hear you.

Mr. HULBERT. I would like to have a statement from Col. Black, as a matter of record. I am going to refer to this map, and I want to call Col. Black's attention to the piers which are represented on this map.

Col. BLACK. Piers 4, 5, and 6 are used for barge traffic. Piers 7 to 14 are used mainly for coastwise lines. The Ward Line people are making very many improvements at their piers, 13 and 14.

Mr. HULBERT. This rock that you have just been speaking about, the removal of which will cost in the neighborhood of \$700,000, projects in front of piers 4, 5, and 6, and when that rock is removed, then it will be possible for the city of New York, by deepening, to get the deeper draft vessels up to pier 4.

Col. BLACK. At present no deep-draft vessels use any pier between 4 and 7.

The CHAIRMAN. Any further questions? Capt. Knapp is here. Would you like to make a statement, Capt. Knapp?

#### STATEMENT OF CAPT. H. S. KNAPP, UNITED STATES NAVY.

Capt. KNAPP. I have very little to add, except that I do not think Admiral Benson perhaps made plain all the difficulties that we have in getting through this present channel between Governors Island and the Battery. In the first place, this range over here [pointing to range of channel just mentioned] is a miserable affair, owing to the formation of the land. There is a low front range mark on the wharf and a high back range mark on the Hotel Margaret, and very frequently a mist will cut out the lower range. In the second place the deep-water channel is very narrow, and in the third place there is a large amount of traffic around there [pointing to channel]. I have myself been in a ship in this channel when we had to stop and back to avoid a tow that was being swept down the tide across our bow; and to stop a large vessel in a narrow channel with cross currents is a dangerous thing to do. Finally, to avoid Coenties Reef in entering it is necessary to go over quite close to the Brooklyn shore, and then make a considerable turn in order to go under the bridge and approach the navy yard.

If I may add a word about the navy yard. A number of questions have been asked about that. The yard is there. It is not adequate in area for the growing needs of the Navy. But if we had an appropriation at this moment for a new navy yard and the site all picked out, we would still have to use the existing yard for many years, because it takes a long time to build up a new yard and get all its utilities in. So, looking at the approach to the navy yard as a practical question, whatever is done about a new site for a navy yard, if that should be decided on later, we have got to count for a great many years ahead upon using every facility of the existing yard in Brooklyn.

The CHAIRMAN. Your statement might or might not suggest some intention of moving that navy yard or discontinuing it later on.

Capt. KNAPP. Well, sir, that was brought out, as I understood, in previous testimony.

The CHAIRMAN. You are referring to previous questions?

Capt. KNAPP. Yes; but whatever is done and whether we have a new yard on a new site, we have got to use the present navy yard for a long time, and it should be a place whose approach is safe.

Now, as a naval officer handling a ship, if this [pointing to Buttermilk Channel] was a perfectly good channel I would prefer it, because it is a comparatively straight channel; but still, with Coenties Reef removed, the channel north of Governors Island will be perhaps as straight as the other. At any rate, as I understand the scheme given by Col. Black, the removal of Coenties Reef will make a perfectly safe and practicable channel from the south to the navy yard.

There has been a very unfortunate slide to the lack of depth and width of channel on the way to the navy yard in this fact—that two ships are about all that can go up on a tide. There are times, especially in the winter, when there is only one daylight tide a day, strange as it may seem. I have known it to be the case when it was most desirable to get a number of ships into the navy yard as quickly as possible, that owing to the fact that the ships had to go through within a limited time—about slack water—and to the fact that there was only one daylight tide—only one, or perhaps two ships at most would get up to the navy yard in one day. We do sadly need an improved channel to the navy yard, one making approach possible at any time as far as depth and width of channel are concerned.

The CHAIRMAN. Anything else?



Capt. KNAPP. There is one thing that I may mention which has been recommended by the General Board of the Navy: That the depth from the sea to all of our naval stations should be 40 feet. That is a question of what should be, of course, and not of immediate action. That recommendation has been approved by the Navy Department as its policy. While 35 feet is better than anything we have now, it would not, I think, certainly take care of a wounded ship, as our battleships are now designed. A wounded dreadnaught might easily draw 37 or 38, perhaps 40, feet.

Mr. HULBERT. A reading of this record, Mr. Chairman, will evidence the fact that the proposition that has been presented in this bill is not as well understood as might be the case if all of the gentlemen had the opportunity to grasp the physical situation that is presented in the case. For instance, it was emphasized by one of the gentlemen at that hearing that five or six of the capital ships of the Navy had occasion to enter the East River to go to dry dock in the Brooklyn Navy Yard perhaps four or five times a year, making a total of about twenty-four times for those ships. So I wrote to the commandant of the Brooklyn Navy Yard, and I desire now to read a letter which I received from him, giving the exact particulars with regard to that situation. The letter is dated March 3, 1916, and is as follows:

UNITED STATES NAVY YARD,  
New York, N. Y., March 3, 1916.

MY DEAR MR. HULBERT: I have just returned from duty in Washington for one or two days, and find your letter of February 29 asking information as to the ordinary tonnage of naval vessels passing to and from the navy yard, and this with a view of affording you data in connection with the provisions in the rivers and harbors bill for removing Diamond Reef, off the Battery, in the channel north of Governors Island. The Diamond Reef, as you know, lies in the way of the North Channel, whereas the navy-yard ships are using the Buttermilk Channel at present, and probably must continue to use it for some time to come, and consequently I hope your interest includes the deepening of the Buttermilk Channel as the immediate necessity for providing free access for deep-draft capital ships of the Navy to and from the navy yard.

I might state in that connection that the Buttermilk Channel can only be used at high water; and as high water comes twice in 24 hours, and once at night, therefore the channel can be used only once in 24 hours, and then for a period of about 30 minutes.

Data compiled in this office shows the number of vessels piloted to and from the navy yard during the last eight years and is quoted below:

1908.....	372
1909.....	392
1910.....	442
1911.....	415
1912.....	456
1913.....	418
1914.....	416
1915.....	462

Evidencing the fact that there has been an increase of approximately 25 per cent in the last eight years. Yet, in spite of that, I want to call the attention of the House to the fact that since the year 1912 there has not been a dollar appropriated for the improvement of the East River at that or any other point.

These figures show not only that in 1908 we were piloting more than one vessel per day, but that in 1915 we piloted 90 more ships than in 1908.

It should be noted further that the pilot's services are required almost exclusively for large vessels, so that these figures quoted above apply in large measure to the heaviest ships.

These heaviest ships are increasing in tonnage from year to year with each new vessel launched; and while the earlier dreadnaught displaced 20,000 tons, those building to-day will displace 32,000 tons.

I have quoted these tonnages as a more direct answer to your request for the same, but when speaking of the depth of water in the channel it occurs to me that the draft of ships is more pertinent, and I would say that our large vessels, such as are referred to above, draw 29, 30, and 31 feet, as circumstances may require, and these drafts necessitate plenty of water in the channel, certainly not less than 35 feet at low water, if we are to enjoy the facility for handling vessels in and out of the yard without restriction as to the depth of water in the channel.

And I would say that at this time the depth of the channel in the East River at this point is only 26 feet, whereas the average depth of the vessels is 29, 30, and 31 feet, so that they can be brought in there only at high tide.

Indeed—

The letter continues—

one collier arrived at the yard drawing 33 feet, and could only be brought at exceptionally high tide. Nor is it a question of whether we wish to take one or more vessels out of the navy yard at one time, but rather a matter of military necessity as, for instance, on an occasion when the fleet might be suddenly called to action from a period of docking or fitting out in the navy yard, since, under present conditions we are many times restricted to taking out only one ship a day and, indeed, only within the last few months we were unable to take even one ship out during a period of several days, and this for the reason that long-continued westerly winds had kept even the high tides so low that we dared not venture the channel.

On another occasion three dreadnaughts were detained at Tompkinsville for several days, waiting for the westerly winds to permit of higher tides.

Nor does any of this touch upon the even deeper water that would be necessary for bringing to the yard a ship wounded in action, leaking, and perhaps at abnormal draught.

It is my earnest hope that as an urgent item of national defense, you may be successful in representing these facts before the Congress with such conviction as to carry the appropriation.

Faithfully, yours,

N. R. USHER,  
Rear Admiral, United States Navy,  
Commandant, Navy Yard and Station.

HON. MURRAY HULBERT, M. C.,  
House of Representatives,  
Washington, D. C.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HULBERT. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The New York Navy Yard item was placed in the bill very much at the instance of the gentleman from New York [Mr. HULBERT], who is now addressing the House?

Mr. HULBERT. And of my colleague [Mr. FITZGERALD].

Mr. MOORE of Pennsylvania. It had the indorsement of the President of the United States?

Mr. HULBERT. And of the Secretary of the Navy.

Mr. MOORE of Pennsylvania. And it was the only exception, so far as new projects were concerned, admitted into the bill by the Rivers and Harbors Committee?

Mr. HULBERT. It was.

Mr. MOORE of Pennsylvania. The only new project in the bill?

Mr. HULBERT. Yes.

Mr. MOORE of Pennsylvania. Now, that being the actual condition with respect to this New York item, the merit of which I concede, does the gentleman intend to support the river and harbor bill as written?

Mr. HULBERT. I am not in a position to answer that question at this time. I want to state that when the bill came up in the committee I did not vote to report it out. There are items in the bill to which I objected in committee, and I did not vote to report it out because I desired to reserve the right to vote upon the floor to strike out any provision of the bill which I do not believe a Member of the House in conscience can support.

Mr. MOORE of Pennsylvania. There being other meritorious projects not admitted to the bill by reason of the action of the committee prior to the visit of the gentleman to the White House, I want to know, now that the New York item is in the bill, and properly in the bill, whether the gentleman intends to support the bill?

Mr. HULBERT. I propose to support every item in this bill which a majority of this House determines to be an honest, equitable, proper provision.

Now, the gentleman has directed my attention to the letter of the Secretary of the Navy which precipitated this action on my part, which letter was addressed to the Speaker of this House under the date of December 21, 1915, and was never brought to the attention of the Rivers and Harbors Committee until I brought it up at the close of the hearings on this bill. That letter was permitted to slumber in the office of the chairman of the committee and never was brought to the attention of any individual member of the committee, so far as I know, until it was mentioned to me by the Secretary of the Navy and brought by me to the attention of the committee.

Mr. SPARKMAN. I yield 15 minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I very rarely discuss tariff matters. As illustrated by the remarks of the gentleman from Washington [Mr. HUMPHREY], anything can be demonstrated from figures on the tariff. The gentleman from Washington [Mr. HUMPHREY] is not a notorious exception to the rule. He has shown that he can establish any position, regardless of the facts, to meet the peculiar exigency of his situation.

I have a table on imports from the official records of the Treasury Department to which I wish to refer. It will to some extent explain what I shall have to say upon the river and harbor bill and my justification for certain conclusions which I shall reach.

It appears that in the fiscal year 1911 the value of the free imports was \$776,972,509; in 1912, \$881,670,830; in 1913, \$987,524,162; in 1914, \$1,127,502,699; in 1915, \$1,033,526,675. The percentage of free imports in those years was, in 1911, 50.88 per cent; in 1912, 53.95 per cent; in 1913, 54.47 per cent; in 1914, 59.53 per cent; in 1915, 61.70 per cent.

So that under the Democratic tariff bill the volume of free imports was much in excess of the free imports under the Payne bill and the value of the dutiable imports considerably less. In the fiscal year 1911 the value of all imports was \$1,527,226,105; in 1912, \$1,653,264,934; in 1913, \$1,813,008,234; in 1914, \$1,893,925,657; in 1915, \$1,674,169,740, or \$200,000,000 less than in the fiscal year 1914. Yet it is insisted that the imports are greater now than in previous years, and that they have been increasing instead of falling off.

Fiscal year—	Free imports, value.	Per cent free.	Dutiable imports.	Per cent dutiable.	Total imports, value.	Duty collected on consumption.	Average rate.
1911.....	\$776,972,509	50.88	\$750,253,596	49.12	\$1,527,226,105	\$309,581,944	Per cent. 0.203
1912.....	881,670,830	53.95	771,594,104	46.05	1,653,264,934	304,597,035	.184
1913.....	987,524,162	54.47	825,484,072	45.53	1,813,008,234	312,252,215	.172
1914.....	1,127,502,699	59.53	766,422,958	40.47	1,893,925,657	283,511,564	.149
1915.....	1,033,526,675	61.70	640,643,065	38.30	1,674,169,740	205,754,064	.123

Imports for the last five years for the subdivisions noted below were as follows:

Countries.	1911	1912	1913	1914	1915
Australia.....	\$9,102,868	\$9,606,423	\$10,956,200	\$17,068,534	\$23,705,010
Europe.....	768,167,760	819,585,326	892,866,384	895,602,868	614,354,645
North America.....	305,496,793	334,072,039	361,943,659	427,399,354	473,079,796
South America.....	182,623,750	215,089,316	217,734,629	222,677,075	261,489,563
Asia.....	213,449,730	225,468,250	276,494,777	286,952,488	247,770,103
Oceania.....	30,274,452	36,464,115	37,543,441	42,144,398	52,522,552
Africa.....	27,213,620	22,585,888	26,425,844	19,149,476	24,953,081

The tax on consumption in 1911 was 0.203 per cent; in 1912, 0.184 per cent; in 1913, 0.172 per cent; in 1914, 0.149 per cent; and in 1915, 0.123 per cent. So that under the Democratic tariff law the tax on consumption has been very greatly reduced and the value of imports free of duty has been very greatly increased. These are the facts available to the gentleman from Washington, which completely demolish his argument; but his peculiar use of facts explains, perhaps, the statement in the minority report that he submitted to the House on the pending bill, and to which he had five of his associates on the Republican side subscribe. The report contains this statement:

We regard the inclusion of the item in the bill giving \$700,000 for the improvement of the East River, N. Y., as plain, political favoritism and without justification. The committee voted that, owing to the condition of the National Treasury and in compliance with the wishes of the President, no new projects should be carried in the bill. This rule, after it was adopted, was violated by taking on the above item, it being the only new project carried in the bill, and it is worthy of note that the majority, that had favored the rule in the first place, largely at the suggestion of the President, was willing to violate it because of influence coming from the same source.

That is a very extraordinary declaration for a Member of this House to make—that the President of the United States, pretending that an appropriation was essential for the national defense, used that subterfuge for a purely political advantage. The gentleman from Washington knew that his statement was not justified by the facts. This matter had been called to the attention of Congress in a communication addressed to the Speaker of the House and the President of the Senate on the 21st of December, 1915. The letter is as follows:

DECEMBER 21, 1915.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to invite your attention to the serious condition existing at the navy yard, Brooklyn, N. Y., in so far as pertains to the depth of water in ship channels leading thereto. There is not sufficient water in these channels to insure the entering or leaving of a first-class battleship at all times.

At present only one battleship can be handled per day, and then only provided the weather conditions are normal. If the winds are such as to blow the water out of New York Bay, then the depth of water in the approach channel is not sufficient to safely navigate a large ship. As an illustration of this condition, the following is noted:

On November 3, 1915, the U. S. S. *Texas* (one of our new first-class battleships) was ready to leave the yard, but the prevailing northwest winds had so reduced the depth of water in the Buttermilk Channel that even at high water there was not sufficient depth to insure her leaving the yard in safety. This ship, therefore, was forced to remain in the navy yard for over 24 hours.

This condition is a serious one and might cause grave complications. I understand there are two propositions before Congress—one providing a channel 35 feet deep and 1,000 feet wide in Buttermilk Channel and the other north of Governors Island up the East River through Hell Gate. The second would provide for ships passing from the yard to lower New York Bay or to the Sound, a condition highly desirable from a strategic point of view. Either project will provide for free access to the navy yard.

The increase in size of ships has not yet reached its limit. Through injuries received in battle, a ship could readily be drawing more water than normally at a time when it was most necessary to dock her.

It is therefore most urgent that an approach channel to the New York Navy Yard be maintained of not less than 35-foot depth at mean low water and 1,000 feet wide, and I can not too strongly urge the serious attention of Congress to this matter.

Sincerely, yours,

JOSEPHUS DANIELS,  
Secretary of the Navy.

(Similar letter sent to the Speaker of the House.)

In it the Secretary of the Navy points out the necessity for certain improvements of immediate importance, as a matter imperative for the public defense.

On the 19th of January, 1916, he addressed another communication to the Speaker of the House, reiterating his position

and emphasizing the necessity for this improvement. These letters came to my attention, and upon making inquiry I ascertained that the Committee on Rivers and Harbors had determined not to include in the pending bill items that are known as new projects, and that that determination had been reached after a conference with the President, when it was agreed upon as a matter of policy because of existing conditions.

I called the attention of the President to the situation, and pointed out that such a rule, in view of existing conditions, could not be justified; that if this Congress were to be asked to expend very large sums in order to perfect the defenses of the country, that an item pointed out by the Navy Department as absolutely essential from the standpoint of the Navy could not be excluded from consideration because of such a hard and fast rule.

The importance of this matter was presented to the Committee on Rivers and Harbors by Admiral Benson. He stated in the hearings before the committee that while he had frequently taken vessels in and out from the navy yard, he had always done it with the utmost anxiety, fearing on every occasion disaster to vessels under his control.

Yet the gentleman from Washington, with that peculiar bitterness which characterizes all of his utterances in the House, in the minority report filed on this bill in which he discusses this one item, attempts to make it appear that there is no justification whatever or any necessity for the provision, but that the President had indulged in cheap, dishonest partisan politics for some personal or party advantage.

In his remarks yesterday the gentleman from Massachusetts [Mr. TREADWAY] stated that—

The only emergency existing is, before another river and harbor bill is prepared there is to be a national election. The hearing does not contain any evidence whatsoever going to show that this appropriation need be made at the present time.

Not only do the hearings show the absolute necessity of the initiation of this work and for the removal of certain rocky shoals that are now a menace to navigation of battleships or other large naval vessels going into the navy yard, but Col. Black, when he appeared before the Committee on Rivers and Harbors, was asked how much of the total \$700,000 required for this work could be used prior to the enactment of the river and harbor bill at the next session of Congress, and in reply to that question stated that he could not expend in that time more than \$200,000; but that if the work were to be done within the estimates which he had made authority was necessary for contracts for the entire work. The provision in the bill is in strict accord with his recommendation. It makes a cash appropriation of \$200,000, with an authorization for continuing contracts for \$500,000 additional.

This is one of two isolated parts of a great project imperative to be done at this time. The last Congress authorized the removal of Coenties Reef to a depth of 35 feet provided the city of New York would provide the money necessary to produce a depth of 40 feet. It will cost the Federal Government to obtain a depth of 35 feet about \$160,000, and it will cost the city of New York \$240,000 in order to get the additional 5 feet.

And yet, in view of all the information before the committee, six members of the minority seeking in a desperation to obtain some political advantage, have attempted to place this entire matter upon the plane of pure political expediency.

Yesterday the gentleman from Massachusetts [Mr. TREADWAY] stated that he believed that this was an important and desirable improvement, that it was a necessary improvement, that it was a meritorious improvement, and that his only objection to it was that it should have been included in this bill, while an item in which he was interested for the harbor of Boston was excluded.

Mr. Chairman, that is a justifiable argument, but the gentleman from Massachusetts is one of those members who in addition to filing minority views upon this bill himself joined with those other partisans on that side of the House in which he said he regarded this item as plain political favoritism and without justification.



The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SPARKMAN. I will yield the gentleman three minutes more.

Mr. FITZGERALD. Let me read what the gentleman stated about it so as to compare the two statements.

In his speech yesterday the gentleman stated:

It will thus be seen that my opposition to the New York project is not one of opposition to its intrinsic merits, but rather to the method in which it comes before the House in the present bill. Political partiality has been shown this project by the administration—

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield for a question.

Mr. TREADWAY. I wanted to ask the gentleman if he considered the way in which it was included in the bill was right and proper in view of the method that we employ in the committee to make up the bill?

Mr. FITZGERALD. It was the only way it could have been gotten in. I have stated what the facts were. There is nothing to conceal. It was believed desirable by those in charge of the administration that new projects should not be included in this bill. The naval experts for a number of years have been pointing out the necessity for this improvement. The Secretary of the Navy addressed two communications to the Congress emphasizing the necessity of commencing it at once as a matter essential for the safety of naval vessels. I took the matter up with the President. Does anybody find fault with that action? Is it a crime to discuss a matter of vital importance to the port of New York with the President of the United States? Upon stating what the facts were he very frankly expressed the opinion that this matter was one of such extraordinary importance, so vital to the defense of the country, that exception should be made in its favor, and as a result gentlemen see phantoms and ghosts. I heard it rumored—I looked for it in some of these statements—that the President had made a political bargain with me as a result of which Democratic Members from New York were to support matters in which he is interested.

I am glad that gentleman did not have the temerity to make any such statement as that publicly. The Democratic Members from the city of New York will give this President and this administration as loyal support as Members of Congress from any section of the country. They appreciate the splendid manner in which he is administering public affairs. They realize the benefits that the people are deriving from this Democratic administration. They know that he has earned and has won the respect and confidence, and deserves the support of the country, and they know that that confidence and respect will be expressed this fall by votes so substantial and by majorities so overwhelming that it will silence forever these narrow, petty, partisan critics of a man who retains his poise under such an unwarranted attack and continues to merit public approval by his disinterested public services. [Applause on the Democratic side.]

Mr. HUMPHREY of Washington. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. SCHALL].

Mr. SCHALL. Mr. Chairman—

Truth crushed to earth shall rise again—  
The eternal years of God are hers;  
But Error, wounded, writhes with pain,  
And dies among his worshippers.

I wish to add my little in assistance of the burial by asking unanimous consent to extend my remarks in the RECORD upon the well-worn subject of protection.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I yield now to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I yield 25 minutes to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the committee. See Appendix.]

Mr. SPARKMAN. I yield to the gentleman from Indiana [Mr. LIEB].

Mr. LIEB. Mr. Chairman, this is the third time a river and harbor bill has been brought before the House since I have

been a Member of this exalted body. On the two previous occasions I felt it my duty to address the House in favor of the pending measures. Now that it is my privilege to command the worthy aims of legislation for rivers and harbors, as proposed for the third time within my own experience, I feel it more than ever my duty to say a few words.

I hope the House will pass the bill in its present form. The committee, of which I am a member, has worked long and tirelessly to shape up a measure that would meet existing needs, at the same time having in mind the question of economy. The committee took into consideration the present condition of the Treasury; it weighed long and carefully every item, ever with a view of the resources, conditions, and prospects of stimulating navigation in the particular section where money was to be expended. The work has been done thoroughly. Critics may hurl invectives at every item read; they may go into hysterics on every proposal advanced; they may tell us we can spit across half the rivers in the United States; but as men of modern times stand up courageously by their honest convictions and withstand the merciless onslaughts of their decriers, so can this bill stand up under any kind of fire and in the end commend itself to the people of the country.

This bill contains no new projects, with the single exception of the East River item, which Chairman SPARKMAN has already discussed. This bill, then, proposes to continue work on which money has already been expended. Could anything be more simple? While there are projects that are worthy, indeed, other than provided for in this bill, the committee did not find it possible to incorporate any of them, for the reason we were bound to place a limitation, in view of other pressing questions of the hour.

A great deal of money must come from the Treasury for rejuvenating our land, our sea, and our air forces in connection with the policy of national preparedness. At the same time everybody should agree that it would be a national shame to neglect our rivers and harbors. It is a business proposition. We should not have our future generations say of us that we let our works lie idle one year or two years once we had started these projects. If all of our works should be stopped to-morrow and not a dollar spent for river and harbor improvements for one year, the Government would be charged with neglect on a scale that would amount to open revolt and national indignation.

The House has overwhelmingly gone on record in favor of national preparedness. I refer to the passage of the Hay bill. It was the first of the preparedness bills. I maintain—and I think others accept it as such—that the rivers and harbors bill is also a preparedness bill. Transportation is a tremendous factor in warfare of to-day. If we should have war to-morrow, every navigable waterway in the country would be subject to the usages of transportation of supplies, ammunition, armor, arms, food, clothing, and for the transportation of troops and horses. Any railroad line in the United States could be paralyzed in a few seconds with a few sticks of dynamite properly set off by the enemy. But you can not efface a single river in the United States. That is one reason why we should perfect the system of navigation, so if the occasion ever arises we can utilize our rivers, and the only way they could be utilized with absolute dependence would be by the foresight of the present generation in providing for permanent navigation.

A good deal has been said about lobbying for the rivers and harbors bill. One or two critics would have us believe a few men in this country are back of these appropriation bills. Mr. Chairman, I came from a district where 140,000 people live on or within short access of the banks of the Ohio River. I have met about every voter in my district, and I have yet to have a single one of these persons say a word against this legislation. In fact, I can say that I have more than 140,000 lobbyists in my district, for while they do not all of them come to Washington to attend the annual meeting of the National Rivers and Harbors Congress they are always represented by a few delegates whose expenses are paid out of public funds of city and county governments. And I have never heard anyone kick about the taxes thereby imposed, although very often there are earthly rumblings when taxes for some other things become due. Looking at this matter from a broader viewpoint, let us consider the number of people who live on the banks of the entire length of the Ohio River. The last Federal census gives the population of the counties bordering on the Ohio River as 4,135,832. That does not take into consideration the hundreds of thousands of people living on the tributaries of this one river. It does not take into consideration the hundreds of thousands of people living in the Ohio Valley whose counties do not touch the river, but who in a great measure are among those awful lobbyists who see the tremendous advantage to their commercial interests to have the Ohio made permanently navi-

gable by this Congress. It does not take into consideration the millions of other people who live on all other rivers in the United States. Yes; if a census were taken to-morrow of the lobbyists for river and harbor improvements we would find that some forty or fifty million of them live on rivers which the Government should eventually improve so they would have navigation the year round.

Suppose private interests as powerful financially as the owners of the railroad systems of the United States should suddenly obtain possession of all the rivers of the country. Would they hesitate to grasp the opportunity to finish canalization of the Ohio or of the other rivers? Why, then, should the Federal Government hesitate? Because some improvements in the past have been held up as horrible examples of public expenditure of money, does it signify that the present bill is indefensible?

Some critics gloat in quoting tonnage figures in their opposition to this legislation. The inconsistency of this can be summed up in the recitation of one example of the unreliability of this method of argument. From 1870 until 1900 water traffic between the Atlantic and Pacific coasts declined to a noticeable extent. Did that deter the Government from building the Panama Canal? Should the fact of decline in river tonnage shipments on some rivers deter the Government from improving them?

In closing I want to summarize briefly some of the things I have in mind regarding the Ohio River:

It is the only river in the United States carrying tonnage from its source to its mouth.

It has a shipping tonnage greater than the Panama Canal, even though the Ohio is not now navigable at all seasons.

If the river is to be canalized as authorized, there must be consent to annual appropriations.

The Ohio Valley is in the throes of commercial rejuvenation since the canalization project was launched six years ago.

The internal-revenue receipts of the six Ohio River States are annually more than one-half the receipts of the entire country.

From whatever view the Ohio River improvement is regarded, whether from the standpoint of peace or war, or both, its early completion is essential to the public welfare.

Mr. SPARKMAN. I yield to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, I rise to discuss one of the most important rivers in the country. The Red River is over 1,200 miles in length, nearly 400 miles of which is in Louisiana. With the proper improvements it will be one of the great rivers of the world, draining an area of over 200,000 square miles of the most fertile soil on earth, growing luxuriantly every plant known to the Temperate Zone. The Red River is 300 miles longer than the Ohio, twice the length of the Seine, drains an area as large as France, now supports a population of over a million and a half, and is capable of supporting well 10,000,000 people—one-tenth of the population of the United States. Surely, then, such a river deserves continued support from the Federal Government. With reasonable support, this great valley will be more productive and versatile than the reclaimed arid lands of the West. As an economic proposition for settlement alone, the eyes of the country should turn there. The urgent necessity is for the country to know the actual advantages and possibilities of this wonderful valley with its enormous wealth of soil and climate. The \$10,000,000 recommended by Gen. Bixby for the improvement of Red River and its valley would be a profitable investment by the Government, far more profitable than reclaiming the deserts of the West. Through the dissemination of information and education the people of the country will ultimately come to see this patent fact.

The Board of Engineers of the War Department went to Shreveport in person, had a hearing on Red River, and have made a favorable report upon this project named in the item of this bill. The board could not go to this rich valley without being impressed with its possibilities and its value to the whole country.

The fact first to present is the enormous tonnage of commerce adjacent and accessible to the river, including 2,000,000 bales of cotton and other agricultural products in proportion, with timber and minerals—all astounding in the volume of commerce available when this river is made navigable.

Take one city, for example, to illustrate the growing importance of the Red River and the rapidly increasing commerce of its valley. Alexandria is located on Red River, within 7 miles of the center of Louisiana, 184 miles northwest of New Orleans, and 125 miles southeast of Shreveport. Its present population, as shown in the city directory published in May, 1915, is 18,249.

It is the largest lumber manufacturing point in the State, there being eight large lumber mills located there, and shipping an average of 75 cars per day, a large percentage of which is for

export through New Orleans. It is the second largest interior cotton market in the State, and handles annually about 40,000 bales of cotton.

It is served by eight railroads: Chicago, Rock Island & Pacific, Louisiana & Arkansas, Louisiana Railway & Navigation Co., Alexandria & Western, Southern Pacific, Texas & Pacific, St. Louis, Iron Mountain & Southern, and Vicksburg, Alexandria & Southern Railway.

Alexandria is the third largest distributing center in the State, being exceeded only by New Orleans and Shreveport. It is the distributing point for practically all central Louisiana. There are 19 jobbing houses located at Alexandria, serving a territory within a radius of 75 miles, and covering 15 parishes, with a population of 430,513.

It is a fast-growing city, and to give an index of the increase in population I quote from the Thirteenth Census Report of the United States for 1910:

Population in 1890	2,861
Population in 1900	5,643
Population in 1910	11,218
Census of Louisiana Directory Co., in May, 1915	18,249

There are at present located in Alexandria 23 manufacturing concerns, with a combined capital of \$5,800,000, consisting of sawmills, iron works, machine shops, cottonseed products, mattress factories, shuttle, barrel, ice cream, brick, and wood works, with a total output of \$4,500,000 yearly.

The eight railroads serving Alexandria for the period from June 30, 1914, to June 30, 1915, handled into Alexandria 213,310 tons of freight and 647,340 tons outbound. The excess in outbound tonnage is accounted for by the large amount of forest products which has its origin at Alexandria.

It is estimated that at least one-eighth of this tonnage, or about 100,000 tons could be handled on Red River.

With the present shortage of motive power and car equipment the railroads are not able to handle the tonnage without serious delay and the resultant injury to the shipping public, and only through water navigation can this difficulty be overcome.

Shreveport, La., with her 71 factories, 11 railroads, and population of 40,000 people, has had an equally remarkable growth and also fully illustrates the commanding position of this great valley and her growing cities and increasing wealth.

To say nothing of the money that the people of Arkansas, Texas, and Oklahoma have expended on this river, the State of Louisiana in the past five years has expended \$1,377,000 in bank protection and drainage work. Louisiana has constructed 249 miles of controlling lines of levees on Red River.

The project for the bed and bank improvement of lower Red River adopted by Congress in 1828, renewed in 1872, reenacted in 1892, and again recognized in 1909, involves an expenditure by the Federal Government and the local interests of \$3,448,000. With reference to this project which is nearly 100 years old, in his report to the Government, Gen. Bixby, of the War Department, says:

I am decidedly of the opinion that while the river is at present only partially utilized for purposes of navigation, yet it exercises a great and valuable control over the transportation interests of its entire drainage area, and that, as the river conditions shall be improved, its actual use will increase and its control of transportation interests will be better at the same time that the country next the river will become better developed.

Gen. Bixby then recommends a large and comprehensive plan of improving the Red River and its great valley. He estimates that the cost will be ten millions, to be expended jointly by the Federal Government and the States in the valley, which would be money profitably invested. I greatly hope to see this plan of bed, bank, and drainage improvement soon adopted by Congress and Gen. Bixby's great idea made a reality.

That the river, if made navigable, is worth millions to the valley alone in freight rates is shown by the fact that the freight rate on flour from St. Louis to Pollock is 7½ cents higher than it is to Alexandria. The same difference in freight rates to all inland and river points is noted. The difference is even greater on first-class freight. If the river is abandoned, the whole valley will suffer seriously by the advance of freight rates to all river points certain to follow such abandonment.

The Government reports show that for 23 years, ending June 30, 1913, the average annual value of the tonnage on Red River, below Fulton and above the mouth of the Black, was \$4,220,000, while the average value of the tonnage between the mouth of the Black River and the mouth of the Red River for the same period was \$5,401,648, making the average total value of the tonnage on the lower Red, below Fulton, exactly \$9,621,648 a year.

It is true that the tonnage on the Red for the last few years has been light, but the tonnage of a few years taken apart from the history of a river does not correctly indicate its commerce.



The value of the tonnage in 1915 was \$3,000,000, but the nine million mark, which was the average for 23 years prior to 1913, can and will be reached again by the keen interest and hearty cooperation of all our commercial and industrial organizations along the river. The proper steps are being taken now. The cities of Shreveport and Alexandria, supported by other towns on Red River, have organized a boat-line company, capitalized at \$200,000. They have paid in now about \$75,000 of that amount for a boat and barge line from Shreveport to New Orleans. This company has the active support and cooperation of the leading bankers and business men of the entire valley within the Louisiana limits. It is not a theory. This boat line has been organized and will go into effect. The people of the valley are stirred as never before. They will demonstrate to the country the value of the river in handling its great commerce, in holding transportation rates at a reasonable figure, and thus influencing the whole great fertile valley by gradually bringing back to the river a commerce that will not only be satisfactory to this Congress but will startle the country with its growing importance.

In view of these facts, surely there will be little opposition to this small item of \$55,000, which should be increased to \$150,000 for Red River.

Not even the gentleman from Wisconsin [Mr. FREAR], who has had his rivers and harbors and creeks and mud puddles all fixed by Federal aid, and who now opposes such aid in an effort to imitate Mr. Burton—our greatest American four flusher on this subject—the gentleman from Wisconsin who delights in incessant and senseless talk merely “to hear himself roar,” not even he, the gentleman from Wisconsin, can make an honest objection to this item of \$55,000 recommended and indorsed by expert engineers who have visited the ground and have ample and intelligent information on the subject.

Mr. FREAR. Mr. Speaker, I desire to extend my remarks in the Record on this one subject which has just been discussed.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I wish to use a portion of the few minutes remaining in an effort to explain, in so far as an explanation may be necessary, what the gentleman from New York [Mr. HULBERT] unwittingly left unexplained a while ago regarding an episode between him and myself. Yesterday afternoon, after the House adjourned, I met the gentleman on the way from here to the House Office Building, and after some remarks regarding this bill he asked me in substance when his time would come to speak. I told him that I understood it would come under the five-minute rule. He said he wanted to speak in general debate. I then remarked that I did not know those were his wishes, but that I had understood he was willing to speak under the five-minute rule when the New York item should be reached, and that I had promised to try to secure for him ample time under the five-minute debate. I will say, further, that was my purpose then and is my purpose now. I then explained to him that I had parceled out all the time and had agreed to yield to the gentleman from New York [Mr. FITZGERALD], his colleague, 15 minutes. He stated that he did not know that Mr. FITZGERALD had been given any time, and that he desired time as a member of the committee. Now, having allotted the entire time at my disposal, I could not say just then what I could do, because it was growing late and I could not see the Members to whom I had agreed to yield.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. SPARKMAN. Let me finish my statement.

Mr. HULBERT. Will the gentleman then give me an opportunity to reply?

Mr. SPARKMAN. Let me finish my statement first; then I will yield. This morning, having seen one of the gentlemen to whom I had promised 10 minutes, I asked him to permit me to yield that 10 minutes to the gentleman from New York, which he very kindly and promptly consented that I should do. About that time another Member of the House spoke to me here on the floor in regard to the desire of the gentleman from New York [Mr. HULBERT] for further time, and I told him he might say to the gentleman that I had secured 10 minutes which I would yield to him. The message came back that he had already made arrangements and did not desire the time. That is all I care to say about the matter.

Mr. HULBERT. I would like to ask the gentleman if he recalls a morning in this House when I appeared here with a prepared speech to answer the gentleman from Wisconsin [Mr. FREAR] in reference to a letter which the gentleman had put into the Record, and if the gentleman from Florida recalls that I discussed the subject of that speech both with himself and with the gentleman from New York [Mr. FITZGERALD], and if I did

not tell the gentleman from Florida that the gentleman from New York [Mr. FITZGERALD] thought that I had better defer that reply until the river and harbor bill came up, and put it in under general debate, and if the gentleman from Florida did not agree with me at that time?

Mr. SPARKMAN. I do not now recall that, but I have no doubt but that it is true. I remember I did intend, so far as I could bring it about, that the gentleman should have ample time to discuss the East River item either in general debate or under the five-minute rule. This is the only explanation I want to make. I may say, however, in behalf of the gentleman from New York [Mr. HULBERT] that he has been very industrious and insistent in regard to this and other New York items. I was very sorry to hear him admit awhile ago, however, that he had not voted to report the bill. I did not intend to state that. I never feel justified in stating outside what goes on in the executive meetings of the committee. But although the gentleman was very properly so industrious and active in behalf of the East River project, yet without the motion to report the bill for which he says he did not vote it could not have been considered in the House.

Mr. HULBERT. Will the gentleman yield for one further question?

The CHAIRMAN. The gentleman's time has expired. All time has expired.

Mr. SPARKMAN. I ask the Clerk to read the bill for amendment under the five-minute rule.

The Clerk read as follows:

*Be it enacted, etc., That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the construction, completion, repair, and preservation of the public works hereinafter named.*

Mr. MANN. Mr. Speaker, in line 4, page 1, I move to strike out the words “to be paid.”

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 1, line 4, strike out the words “to be paid.”

Mr. SPARKMAN. I can not understand the importance of that amendment. It certainly is not surplusage there.

Mr. MANN. It certainly is surplusage there. I guess it is the first time it ever appeared in an appropriation bill. We appropriate money out of any money in the Treasury not otherwise appropriated. That is the form.

Mr. SPARKMAN. Perhaps this is not absolutely necessary.

Mr. MANN. It is improper language.

Mr. SPARKMAN. I can not see that it is, Mr. Chairman; but I have no objection to its being stricken out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, in line 5, by striking out the words “to be immediately available.”

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, strike out the words “to be immediately available.”

Mr. MANN. Mr. Chairman, this is not an appropriation for a fiscal year. If it was a regular appropriation bill for the fiscal year ending June 30, 1917, the appropriation would not be available until the 1st of July unless we used the language “to be immediately available”; but all of the appropriations in this bill are available as soon as the bill becomes a law.

Mr. GARNER. Has the gentleman ever had any construction of that language by the Engineering Corps of the Army?

Mr. MANN. It does not require any construction.

Mr. GARNER. I am inclined to think that the gentleman is in error, from their construction of the language in river and harbor bills heretofore.

Mr. MANN. Oh, no; not at all.

Mr. GARNER. Probably not.

Mr. MANN. This is not an appropriation bill.

Mr. GARNER. I agree to the gentleman's conclusions; but I do not know how it would be construed.

Mr. MANN. There is no earthly object in sticking in things that do not mean anything. I know it is the common practice of many gentlemen introducing bills, where the bill carries an appropriation, to say “to be immediately available,” but everything in this bill is immediately available as soon as it is law. It is not an appropriation for a particular fiscal year.

Mr. SPARKMAN. I shall have to insist, Mr. Chairman, on the words remaining in the bill.

Mr. MANN. I suppose they will stay in the bill, if the gentleman insists upon it. The gentleman can insist upon putting in useless language in the bill, but it does not change the meaning.

Mr. SPARKMAN. According to my recollection, this language has been in all the river and harbor appropriation bills. I do not like to consent to a departure from established language, language that has been used on river and harbor bills almost from time immemorial.

Mr. MANN. The language has been in some river and harbor bills, no doubt about that, but that means nothing. If the man who prepared the first bill knew what he was about, the language never would have been in it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. FREAR. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

At the end of line 9, page 1, insert:  
*"Provided, That before the payment of any moneys for projects hereinafter specifically mentioned the Secretary of Agriculture, Secretary of Labor, and Secretary of Commerce shall, by written report to the Secretary of the Treasury, approve the public necessity on each individual project, and that such expenditure is to serve a public use in aid of navigation: Provided further, That said board may make or cause to be made independent examinations of the character of any and all projects and may call upon the Army engineers or employ the service of such other experts as may be necessary in determining the surrounding conditions, general character, and public use which such project is intended to serve."*

Mr. FREAR. Mr. Chairman, I will say that this is practically the same amendment that was offered to the last bill, and the purpose is to provide a check upon the system and an investigation of public necessities before paying over the money. It has been set forth so frequently that I will not go into it. We would have by this a check by the administration, so that we would know whether or not public interests will be benefited by the appropriation.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. FREAR. I will.

Mr. COOPER of Wisconsin. The gentleman a few moments ago said that the engineers of the United States Army who have charge of the river and harbor work were influenced, some of them; that two Senators and nine Members of the House of Representatives visited them and talked to them about certain river and harbor matters. Does the gentleman think that the United States Army engineers, who are not in political life at all and not amenable to the votes of Senators and Representatives, are any more susceptible to influence by two Senators and nine Members of the House of Representatives than the Secretary of Commerce, the Secretary of Labor, and the Secretary of Agriculture would be, all of whom belong to one party and have to be confirmed by the Senate?

Mr. FREAR. The time the gentleman occupies unfortunately takes away my time. He has misapprehended my position. I asked a question and stated the facts that existed.

Mr. COOPER of Wisconsin. But I asked the gentleman—

Mr. FREAR. Mr. Chairman, I want to occupy my time myself. I have not made the statement that the gentleman suggests. I asked if it was not a fact that the engineers did change their report after these people came before them, and that is the fact. I do not believe that the Army engineers are infallible, and we have plenty of evidence of what I state. I do believe that if a check is placed here upon them by three administrative officers it will be a check on unnecessary appropriations and be a benefit to the Public Treasury.

The CHAIRMAN. Does the gentleman from Florida make the point of order?

Mr. SPARKMAN. I do.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. But, Mr. Chairman, this is a legislative bill, and we have a right to change the law. I do not know what the point of order is, for the gentleman from Florida has not stated it. We have a right to provide for river and harbor improvement on any condition we please. It is not an appropriation bill. There is no point of order as to change of law; there can be no point of order as to the germaneness of the proposition, because here is an appropriation to be expended as provided by the bill under the direction of the Secretary of War and Chief of Engineers. We have the right to say before the money is expended other conditions shall prevail. We frequently insert in a river and harbor bill that the appropriation shall not be available until local interests provide money for certain purposes. We have the same right to say that the money shall not be expended until some one else has passed on the proposition. The Chair will recall that the rules in reference to appropriation bills do not apply. This is a legislative bill. We may make an appropri-

tion for improvement of rivers and harbors on any condition we choose as a matter of legislation.

The CHAIRMAN. Does the gentleman from Florida desire to say anything?

Mr. SPARKMAN. I do not desire to say anything except to say that I am not entirely clear that it is subject to a point of order.

The CHAIRMAN. The Chair in ruling had in mind legislation on appropriation bills. The gentleman from Illinois is quite right that a river and harbor bill is in a different class, carrying certain legislative powers as well as appropriating money, and on reconsideration, the Chair overrules the point of order.

Mr. SPARKMAN. Mr. Chairman, I hope the amendment will not prevail. This is only one of a class of efforts that is being made by the gentleman from Wisconsin to take the improvement of rivers and harbors out of the hands of the Secretary of War and the Engineer Corps of the Army, and I do not think it ought to be done; in fact, I am sure that it ought not to be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. FREAR. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, at the end of line 9, insert:  
*"Provided, That if the President shall, upon investigation, ascertain and determine that any project or projects hereinafter provided for are not of material value to the public, he may, in his discretion, withhold such specific appropriations until further action by Congress."*

Mr. FREAR. Mr. Chairman, I do not care to take up the time of the House in discussing this because the purpose of the amendment is clearly shown when it is read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. FREAR. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 9, page 1, insert:  
*"Provided, That no expenditure for any project shall be made until the Secretary of the Treasury shall be advised by the Board of Army Engineers that suitable public wharves and terminals have been provided by local interests sufficient in character to afford ample accommodations for all traffic upon said waterways, and that such public wharves and terminals, subject to general supervision and care of the local authorities, will be kept open at all reasonable hours for the free use of any and all persons desiring to use the same."*

Mr. FREAR. Mr. Chairman, in line with the suggestions made by the gentleman from North Carolina [Mr. SMALL] a few moments ago upon the floor, and based upon the action of the River and Harbor Committee of some years ago, when that committee urged terminals be supplied, I have offered this amendment. The purport of it is to require public terminals to be furnished in every case, in order that the Government be not engaged in improving waterways whether they be harbors or rivers, without having public places at which to land. The chairman of the committee well knows that in many cases that provision is not complied with to-day.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. COX. What is the rule in this particular in foreign Governments, particularly England, Germany, and France?

Mr. FREAR. I would say that the rule is different in different countries. I do not profess to give the exact rules. For instance, in some cases in England the rights are let out to private parties and they make the charge themselves and maintain the improvements and the Government has no part in the improvements, as, for instance, in the case of the Manchester Canal. In Germany and other countries they pursue different policies.

Mr. COX. What is the German policy? I have a very high opinion of the Germans.

Mr. FREAR. I would not care to be quoted as to that. The Government owns the railroads and owns the waterways and owns practically all of the privileges that are granted. I assume from that that there must be public terminals in every case. We have not those public terminals in our country, and it seems to me that we ought to pass an amendment of this kind in order to require public terminals before making an appropriation.

Mr. SPARKMAN. Mr. Chairman, we have not yet reached the point in the development of the rivers and harbors of this country when we can establish a hard and fast rule of that kind. It is to be hoped that in the not distant future we will reach the point where Congress will refuse to make appropriations for such improvements unless there are ample public terminals, owned either by the municipalities or the State or by



some other subdivision of the State that can control them as against private monopoly. I think that is proper, and we are going in that direction as rapidly as possible, but we have not yet come to the point where we can establish such a rule without doing injustice to many harbors and rivers now unimproved, but needing improvement very badly. I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. FREAR. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, at end of line 9, insert:  
 "Provided, That one-half of the appropriation shall be available whenever there shall be contributed by the State, county, city, or locality or localities an amount equal to one-half of such appropriation, which amount so raised shall be placed to the order of the Secretary of War and shall be expended by him pursuant to the report of the United States engineers on such project: *Provided further*, That the remaining half of such appropriation shall be retained in the Treasury subject to the order of the Secretary of War, and to be used by him whenever needed in the completion of the project for which such appropriation is made."

Mr. FREAR. Mr. Chairman, I shall discuss this but a moment. I simply want to say that local cooperation is required in practically every country of continental Europe, according to my investigation. We have applied the same rule in this country in many cases. The State of Texas and the State of California and other States are making contributions to-day under the requirements of Congress. It would seem to me that it is fair to treat all alike, and it will at least remove part of the inducements offered in securing appropriations when there is no contributions on the part of local interests.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. SWITZER. I would ask the gentleman whether his amendment would apply to the Ohio River, for which Congress has appropriated about half the money for the completion of a sixty-four million dollar project, and whether he would expect the localities and States along that river to make a contribution in such sum as may be necessary to complete the project?

Mr. FREAR. Mr. Chairman, in view of the fact that the people along the Ohio River have made no contribution up to the present time, either to the improvements or public terminals, so far as I am aware, it would seem to me that it is a proper time to urge upon them the necessity of cooperation and that they do something toward the project.

Mr. SWITZER. And if the States should refuse to contribute, would the gentleman favor leaving the 20 uncompleted dams in the river?

Mr. FREAR. I do not know but that it would be for the benefit of the Government to-day if we were to stop work on the Ohio at the present time. I am not prepared to say as to that. I would like to have better information. At the present time I am urging them to show a disposition for cooperation before further appropriations are made.

Mr. McLAUGHLIN. Mr. Chairman, the unwisdom of the amendment offered by the gentleman from Wisconsin [Mr. FREAR] is shown clearly enough in the matter of the St. Marys River Canal, between Michigan and Ontario, where something more than \$13,000,000 have been expended in the building of locks and in otherwise preparing the waterway there for transportation. It is a project in which the localities are not particularly interested. That river improved as it takes care of commerce of the Lakes for the entire Northwest going east and south and the commerce of the East going north and west. Some idea of the importance of those works can be gathered from the fact that \$13,275,000 had been expended upon that river at that locality where the locks are located up to the 1st day of July, 1915—the greatest waterway in the world, where more commerce passes and of greater value than through any other waterway in the world, aggregating, according to the last figures that I have, something like 80,000,000 tons of freight a year. The value of that improvement to general commerce may be gathered from the fact that the average rate of freight per ton-mile is only six-tenths of a mill, whereas the average freight rate by railroad is ten times that amount.

Mr. BARCHFELD. Will the gentleman permit an inquiry?

Mr. McLAUGHLIN. I will.

Mr. BARCHFELD. The gentleman says that the amendment of the gentleman from Wisconsin is one of unwisdom.

Mr. McLAUGHLIN. I do; in my opinion it is.

Mr. BARCHFELD. That the people along St. Marys River have no license to contribute personally. We are in the habit of buying our iron ore from the Mesaba country to the extent of about 30,000,000 tons a year. If the people of the St. Marys

country will not contribute, I suppose the gentleman from Wisconsin would have us at Pittsburgh contribute for the operation of the canal which makes it possible to keep our city going?

Mr. McLAUGHLIN. Why, it is a matter of general interest to the country. Sixty per cent of the entire freight carried through these locks was iron and copper ore last year, and I believe that has been about the average during several years back. It is a matter in which particular localities are not interested, but is a matter of interest to the entire country, and the entire country ought to bear the expenses.

Mr. CALLAWAY. Will the gentleman yield?

Mr. McLAUGHLIN. I do.

Mr. CALLAWAY. The gentleman is defending the St. Marys Canal, and that is a little different problem from inland waterways and rivers and canals ordinarily. Possibly the proposition the gentleman from Wisconsin wishes to apply generally to rivers and canals he would not desire to apply to that at all. No man, as far as I have heard in my service in this House, objected to the Government opening canals between great waterways, and when a canal is the line of transportation—

Mr. McLAUGHLIN. But the amendment offered by the gentleman applies to the entire bill, to all projects alike. Many gentlemen here have no conception of the magnitude or the importance of the improvements on St. Marys River or of the business transacted on and through that river.

During the year 1913 the freight carried through the Soo Locks amounted to 79,718,344 short tons. The value of that freight was \$865,957,838; there was paid for carrying that freight, including loading and unloading, \$44,380,864, and the value of the craft using the canals that year was \$142,421,200. The cheapness of water transportation and the great reduction even in the low water rates as a result of the improvement of this river appears when it is known that in 1887 the freight rate per ton-mile on freight passing through the Soo Locks was 2.3 mills, while the rate per ton in 1914 was only six-tenths of 1 mill. The average railroad freight rate per ton-mile is about 7 mills, or more than ten times the water rate.

The Suez Canal is known as one of the great waterways of the world. It is. It cost \$100,000,000, while the canals of St. Marys River have cost only \$13,275,000. And how about the amount of business passing through the Suez and the St. Marys Canals? Possibly you believe the business is in proportion to the cost of the canals. In the year 1913 the number of ships of all kinds passing through the Suez was 5,085 and the net registered tonnage of those ships was 20,033,884, while the number of ships which passed the St. Marys locks that year was 23,795, with a net registered tonnage of 57,990,000.

The Panama Canal is a great waterway. It ought to be; it has cost \$375,000,000. We have no figures as to the amount or value of business transacted, but it is interesting to remember that a few years ago, when Government experts were estimating the amount of tonnage to be passed through the canal, for the purpose of arriving at the proper toll to be charged against and paid by ships using the canal, it was estimated that within the next 10 years an annual tonnage of 10,500,000 tons would pass through; that is, after a development of 10 years the business of the Panama Canal will be one-sixth of the business now done at the St. Marys Canals each year.

Mr. Chairman, the amendment offered by the gentleman from Wisconsin [Mr. FREAR] ought not to be adopted. It might be all right for some kinds of projects which are largely of local interest and of local advantage, but it is all wrong as to the waterways of the Great Lakes, which are national projects.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HULBERT. Mr. Chairman, I move to strike out the last word for the purpose of correcting the Record as between the gentleman from Florida and myself. I wish to merely state that last Wednesday, and again yesterday, when the gentleman from Wisconsin was discussing the question before the committee, I requested time from the gentleman from Florida.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I would like to ask unanimous consent to speak for 15 minutes. I have not taken up any time on this bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to speak for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, there is no committee in the House more industrious or painstaking than the Committee on Rivers and Harbors. They are at work all the year round. They not only work in their committee room, but they travel



around the country to ascertain where the money which they appropriate should be expended. I am in favor of appropriations for rivers and harbors where navigation is to be advanced by reason of the improvements, and it would be a great mistake to dispense with appropriations for proper river improvement, and especially for harbors. I believe, however, that there are many items in this bill which could just as well be postponed. We are to-day confronted with an empty Treasury. We have been taxed in time of peace in the name of war to produce sufficient revenue to run the ordinary affairs of the Government. We are faced to-day with a situation in the country which demands the expenditure of large sums of money. We will be called upon to levy additional taxes upon the people to meet the preparedness which is now in contemplation. We ought in justice to the people, who are already overburdened with taxation, to go slow in the appropriation of moneys for purposes which can be well set aside. I have no special complaint to make about any particular item in this bill, but I realize, as everyone must, that there are many items in the bill that could be left out, and if we can lighten the burden of taxation upon the people by leaving out unnecessary items from this bill, we should feel in duty bound to do so. We will be called upon very shortly, in view of legislation already enacted, to vote additional sums of money for the maintenance of the Army.

We will be called upon at no distant day to vote out additional sums for the increase of the Navy. The sentiment of the people is in favor of these additional appropriations. They are willing to pay taxes to meet any necessary preparations for the defense of America, but I submit to the judgment of the House that in the face of the necessity for this preparation every additional unnecessary expenditure should be set aside. The allotments in this bill are made in a large measure to a section of the country which will pay but little toward the additional cost of maintaining the Government under the system of preparation for defense upon which we are about to enter. For example, in the present bill during the fiscal year 1915 the State of Illinois paid into the Treasury of the United States \$2,949,789.60 in corporation income taxes and \$2,608,520.78 in individual income taxes, making a total net revenue from the State of Illinois from these two sources alone of \$5,618,400.38. While its cash appropriations for rivers and harbors in this bill amount to but \$136,000, of course it is true that there is an item for continuing contracts amounting to \$714,000 which might be added to the \$136,000. The State of Florida has \$956,500 in this bill, and in 1915 it paid into the Treasury of the United States \$107,344.21 in corporation income taxes and \$120,114.05 in individual income taxes, making a total of \$228,358.25.

And that will be the proportion of its payment toward any added cost to maintain the Government when we finish our preparation for the defense of the Nation.

The State of Louisiana has \$395,000 in this bill, and in 1915 it paid into the Treasury of the United States for the two kinds of tax that I have described but \$519,467.75, whereas the State of Florida will take out through this bill alone over \$700,000 more than it paid into the Treasury as income tax in 1915.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MADDEN. No; not just now. I will yield later. The State of North Carolina has \$271,850 in this bill, and that State paid into the Treasury of the United States \$255,959.64 in corporation income tax, and \$123,384.96 in individual income tax, making a total of \$379,344.60 for the year 1915.

The State of South Carolina has \$259,250 in this bill, and it paid into the Treasury in 1915 for income tax \$159,000, thus drawing out over \$100,000 more in this one bill than it paid in from the income tax.

The State of Georgia has \$873,750 in the bill, and the State of Georgia paid into the Treasury last year \$433,928.41.

The State of Texas—the great State of Texas—has \$2,861,500 in the bill, and it paid into the Treasury for income tax in 1915 \$1,033,873.91, thus drawing out of the Treasury \$1,500,000 for rivers and harbors alone more than it paid in during the year 1915 on the incomes of individuals and corporations in that State.

The State of Arkansas has \$560,000 in the bill, and paid but \$125,954.51 income tax in 1915.

Mr. SPARKMAN. Mr. Chairman, will the gentleman yield right there?

Mr. MADDEN. Yes.

Mr. SPARKMAN. I did not catch the gentleman's criticism in regard to Florida.

Mr. MADDEN. I said Florida had \$976,500 in the bill.

Mr. SPARKMAN. Did the gentleman state in that connection that the projects in Florida were given more than was collected from the income of the industries in that State?

Mr. MADDEN. I said that the State of Florida got \$733,000 more out of the Treasury in this bill than it paid into the Treasury of the United States in 1915 for income tax and corporation tax. The records of the Treasury Department show that. These figures are not mine. They are the Treasury figures.

Mr. SPARKMAN. I will say to the gentleman that the city in which I live paid into the Treasury \$3,000,000.

Mr. MADDEN. Not of income or corporation tax.

Mr. SPARKMAN. It is just as relevant.

Mr. MADDEN. Oh, the gentleman is talking about customs revenue tax. I could say that the State of Illinois itself pays about \$11,000,000 into the Treasury annually in customs duties and \$30,000,000 internal-revenue tax, besides \$20,000,000 from the post office in Chicago, in addition to what it pays in as corporation and income tax, so that you see Illinois would pay one-tenth of all the money paid into the Treasury of the United States from every source. But we do not take credit for that, because the customs tax may be collected in Florida or Illinois or New York, while it may belong to some other place. But the income tax is the only true tax that can be charged or credited to a State.

Mr. BLACK. Mr. Chairman, will the gentleman yield there for a question?

Mr. MADDEN. Surely.

Mr. BLACK. Is it not true that the great city of Chicago gets a great deal of trade throughout the South, and especially from the State of Texas?

Mr. MADDEN. I hope so.

Mr. BLACK. That is true.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Surely.

Mr. BARKLEY. Are we to infer from the gentleman's remarks that the appropriations ought to be made by the Government in proportion to the prosperity of the different sections?

Mr. MADDEN. What I wanted to impress upon the House was this, I will say to the gentleman from Kentucky: That when we enter upon the preparedness program, which will take millions and millions of appropriations, we may expect the States which I am enumerating to pay only the proportion which their income tax and corporation tax indicate toward this vast expenditure of money, and that the people living in the section of country that receive no appropriations to speak of for any purpose out of the Federal Treasury will be called upon to pay all the cost, while the States that pay no part of the cost take the appropriations.

Take, for example, the Agricultural appropriation bill alone. Last year we increased the Agricultural appropriation bill materially. Those appropriations are made in lump sums, allotted to the Secretary of Agriculture for distribution; and in making the distribution among the various States he allotted 202 per cent additional to the Southern States, and to the great North and Northwest and East only 11 per cent.

Tennessee has \$705,000 in this bill, and it only pays into the Treasury \$407,000.

Alabama, the great State from which comes the former Democratic leader of the House, now the distinguished Senator from that State, my friend, Mr. OSCAR UNDERWOOD, has \$879,000 in this bill; and the State of Alabama, with all its great iron and steel institutions and its other manufactures, paid into the Treasury of the United States in 1915, for income and corporation tax, only \$258,000.

The State of Mississippi has \$896,000 in this bill, and in 1915 paid into the Treasury \$72,786.52 in corporation-income tax and \$34,528.93 in individual-income tax, making a total of \$107,315.45.

It will be seen that the corporation and individual income tax paid by the State of Illinois to the Federal Government in 1915 amounted to \$5,618,400.38, or one-fourteenth of the total revenue derived from these two sources, while the combined amount paid by the States of Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, North Carolina, South Carolina, Georgia, and Alabama was \$3,654,294.17, or one twenty-first of the total corporation and individual income tax received by the Government.

The total appropriation in this bill for rivers and harbors in the State of Illinois, including a continuing-contract item of \$714,300, amounts to but \$850,300, while the appropriation for the States above enumerated amounts to \$6,478,050.

The total appropriation carried in the river and harbor bill amounts to \$39,608,410. Of this the State of Illinois receives but one forty-sixth, although paying one-fourteenth of the corporation and individual income tax received by the Government.



The 10 States above enumerated receive one-sixth of the total appropriation for rivers and harbors, but pay only one twenty-first of the corporation and individual income tax.

The South is truly in the saddle. It has come back into its father's house. It has the power to tax the North while it enacts legislation to retard the country's prosperity, and we Republicans are powerless to prevent it. The northern Democrats here are bound by caucus rule while a minority controls the destiny of the country and continues to impose unjust and unjustifiable burdens upon the people.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, since I have not spoken on this bill I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. HULBERT. Reserving the right to object—and I do not intend to object—I would like to ask the gentleman from Illinois [Mr. MADDEN] if in connection with the figures given by the gentleman he will allow me to put into the Record two items of figures?

Mr. MOORE of Pennsylvania. If the gentleman from Illinois does not object, I shall not object.

Mr. MADDEN. I did not hear the gentleman.

Mr. HULBERT. I asked the gentleman if, in connection with the figures he gave, I may insert in the Record two items of figures.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the Record by inserting the figures indicated. Is there objection?

There was no objection.

Mr. HULBERT. These are the figures: The total annual corporation income tax collected in New York was \$10,221,206.65 and the total individual income tax collected was \$17,417,537.60, making a total of \$27,638,744.25.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the project that I wish to speak about briefly is one of those that is criticized in connection with the general agitation against what is called "pork-barrel" legislation. It suffers by reason of that criticism.

It is one of the projects that is not now in the river and harbor bill. I regret to say that the committee, following out its idea of economy to which the gentleman from Illinois [Mr. MADDEN] has just referred, did not see fit to put into the bill this year any provision for the opening up of the waterway between the Chesapeake and the Delaware Bays, a connecting link, which you will pardon me for saying, has been approved by the War and Navy Departments for years, and which, no matter what its importance seems to be to the Nation, comes generally under the ban when we get to the River and Harbor Committee. Yet no more meritorious project appears in the bill than this one of linking up these two great bays, the Delaware and the Chesapeake, with a view of further linking up all the waterways of the North and the South along the Atlantic seaboard. Sometimes gentlemen who come from the interior—and I say this as politely as I can—and particularly those who have been criticizing river and harbor legislation recently, misunderstand what we call the coastal project. They seem to think that we intend to build a canal all the way, 1,800 miles, from Maine to Florida. A more ridiculous misapprehension, or one showing more ignorance of the geography of the country, could not be advanced. The truth of the matter is that God Himself in His wise dispensation adjusted certain channels, bays, sounds, rivers, ponds, and so forth, along the Atlantic seaboard inside the coast line, which simply require a little digging in order to connect them up in a completed chain.

The total amount of digging is insignificant, and the relative cost, in view of the importance of the population and the manufactures and the agricultural interests involved, would be trifling indeed. For instance, here [indicating upon map] is the port of Boston, directly upon the sea. For 200 years it has been proposed to bring Boston closer to New York and the South by cutting through Cape Cod, this arm of land which juts out into the sea and around which storms and fogs constantly prevail, making it a great danger point to mariners.

For 200 years there has been an agitation for it, in Congress and out; that is to say, in Congress since Congress was organized, something less than 200 years ago. Only recently, however, has a cut been made through that arm of land, and that cut is due to a private corporation. There is now a canal running from Cape Cod on this side [indicating] over to Buzzards Bay, on that side, a distance of 8 miles, which saves an outside sailing distance through storms and fogs and the perils of the sea and greatly reduces the sailing time to New York and the South. Now, we approach Long Island Sound and the East River of New York, a project for which will be reached here a little later. It is the only so-called new project introduced into this bill, a project that ought to be written into the law and for which an appropriation ought to be made, because it tends to make a safe and natural inside passage as between the North and South from Long Island Sound to New York Bay.

I shall not discuss Coenties Reef, which was referred to here by the gentlemen from New York, Mr. FITZGERALD, Mr. BENNET, and Mr. HULBERT, but I shall stop long enough to say that it seems a menace and a shame that a great connecting link of water like that between Long Island Sound on the north and New York Bay on the south and those other connecting waterways which run on inland to the Southern States should not be improved.

The claim that it would be expensive is absurd in view of the importance of it all. Of course, it would cost money, but suppose in case of war our fleet should be driven into Long Island Sound. What would we then pay to get them out? These little marks here on the map are intended to indicate a hostile fleet that is blockading the coast. If the United States fleet were driven into Long Island Sound from the upper or eastern entrance, with the East River rocks as they are to-day, that fleet could not pass through to the New York Navy Yard, but could be bottled up in the Sound by a superior force on the outside just as securely as Sampson and Schley bottled up Cervera in the Bay of Santiago.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I am afraid I have not time.

Mr. HULBERT. It is very brief.

Mr. MOORE of Pennsylvania. Go ahead.

Mr. HULBERT. Does the gentleman know that a full 35-foot channel, which will accommodate any battleship in the United States, connecting East River with Long Island Sound, can be completed for the sum of \$3,225,000?

Mr. MOORE of Pennsylvania. That may be, and until it is completed you must contend with rocks and a treacherous current, to which the naval property of this Government ought not to be subjected. There should be no such risk to Government vessels, at least.

Now, the coastal project, which is so often misunderstood, passes through from Long Island Sound into New York Bay and connects with Raritan Bay. Years ago, before the advent of railroads, the Delaware & Raritan Canal was constructed across the State of New Jersey, connecting New York Bay through the Raritan River with the Delaware River at a point near Trenton.

In this way is made up the great coastal canal which these gentlemen worry themselves about who think we expect to do 1,800 miles of digging. What is proposed here across the State of New Jersey is simply to improve an existing canal of 33 miles or build a new one. Our forefathers built this old canal and opened it up for business in 1834. They at least saw the wisdom of it; it bisects the State of New Jersey and is in active operation to-day, but it is absolutely controlled by one great railroad corporation which fixes the freight rate and determines the commerce that seeks to pass through it from New York to Philadelphia, and so to the north and to the south. And yet gentlemen, apparently in the interest of the railroad corporation that owns this canal, contend that we should not spend a little Government money to give the people a serviceable waterway that means so much for commerce or defense, as between New York Bay and the Delaware River and points beyond.

But what I want to talk about particularly now is this: More than 50 per cent of all the wealth of this country lies in this section here—indicating New England and Middle States. Over 50 per cent of all the manufactured products of the United States are developed on this coast line, within half the area of the thirteen original States. We should be prepared to protect so important a territory. The completion of the coastal project is one of the ways to do it.

In 1825 some of our forefathers conceived the idea of connecting up the Delaware River at this point—at Delaware City, Del.—with the Chesapeake Bay at this point—Chesapeake City, Md.—a distance of 13 miles. Why did they do it? They were

using sailing vessels then, and Philadelphia was the great maritime center, having exceeded New York as a metropolis prior to the construction of the Erie Canal. When they sailed out of Philadelphia these vessels came down the Delaware River, and came out through the Delaware Bay with its varying channels. And understand, incidentally, that no channel can be maintained from year to year without the expenditure of money. A channel swept by wind and tide must be cared for.

It is just like a floor that has to be swept every day in order to keep it clean. It is this fact which goes to explain why we have to make appropriations constantly for the maintenance of channels after we construct them.

Now these vessels came out of the Delaware Bay into the sea. Those whose draft exceeds 9 feet have to do so yet. They would sail outside, and if any of you have taken the trip on a pilot boat or sailing craft you know what it means. It is hard on the landlubber, and unless you are a good sailor you do not want to take a second trip. The ships come out here—Delaware Bay—and if their destination is Baltimore they pass Delaware, they pass Maryland, they pass Virginia, and sail around here to the Chesapeake and up to the Patapsco, and then land at Baltimore, a very long and expensive outside route. This little cut of 13.7 miles, marked by the black line, between the Chesapeake and the Delaware is a route laid out by our forefathers who, by the construction of this canal in 1825, shortened this route from Philadelphia to Baltimore just 321 miles. This canal is in operation to-day; it carries a million tons of commerce annually, which pays a liberal freight. The advantage in going through the canal is not so much a saving in freight rate as it is to get more expeditious service by water. It is true that whereas you can ship a cargo from New York via Philadelphia to Baltimore in 12 hours from the time of shipment at Philadelphia, the delivery by rail under present conditions from Philadelphia to Baltimore runs into days, and under recent embargo conditions sometimes not at all.

Now, that is the commercial part of it. As we are discussing preparedness for war, let us see what it means not to undertake improvements of this kind. The water in this canal, antiquated as it is, will not permit of vessels to pass through with a draft of more than 9 feet. It has nominally 10 feet of water in it, but no vessel is permitted to go through that draws more than 9 feet. Gentlemen, that bars the smallest torpedo boat or submarine the Government now possesses. It is not commonly known that the War Department itself, which uses the inside waterways upon which it conducts its business, has a fleet of more than 2,500 vessels; they do not all go to sea.

They are not all transports. Some of them are vessels that ply along the coast line and use the inside waterways, and this canal would be of service to them. Submarines of the Navy can not pass through it. Let us suppose a fleet of superior force lies outside, a British fleet or a German fleet, for instance, and our vessels go up here into this bay. They could not proceed to the Philadelphia Navy Yard for strategic reasons or for repairs. They could not go forward or backward.

Mr. HULBERT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HULBERT. With the development of the two canals, would it not give three exits and three entrances both to New York and Philadelphia?

Mr. MOORE of Pennsylvania. I am very glad the gentleman from New York made the point, I am coming to that if I can get to it in the brief time I have remaining. Here is Norfolk, with its navy yard—

Mr. CALLAWAY rose.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. MOORE of Pennsylvania. I will.

Mr. CALLAWAY. Is the gentleman advocating a canal wide enough and deep enough for all the war vessels to pass through?

Mr. MOORE of Pennsylvania. If I had my way, that canal of 13 miles would be capable of passing the greatest battleship the United States owns. [Applause.] I will say further to the gentleman from Texas that the paltry sum that any one State contributes to the United States Government would be insignificant compared with the defense that would be accorded to all the States by opening up that canal so that war vessels could pass back and forth.

Mr. CALLAWAY. Has the gentleman any estimate as to how much it would cost to construct the canal so that war vessels could pass through?

Mr. MOORE of Pennsylvania. To a depth of 12 feet through here, it would cost about \$8,000,000.

Mr. CALLAWAY. But it takes 35 feet to pass a dreadnaught through.

Mr. MOORE of Pennsylvania. A depth of 35 feet could be put in there for \$20,000,000. That was the estimate of the Agnus Commission in 1907.

Mr. CALLAWAY. The three canals the gentleman speaks of?

Mr. MOORE of Pennsylvania. If you make the cut across the State of New Jersey, which is an expensive one, and the other cuts that have been recommended by the United States Army engineers, the total cost at the depths recommended for commercial purposes from New York to Key West would be about \$47,000,000. If greater depths are to be attained, it might approximate \$75,000,000.

Mr. CALLAWAY. That is for all three.

Mr. MOORE of Pennsylvania. And I will tell the gentleman this: It would be worth the money. At the port of Philadelphia, where they have not had \$20,000,000 spent on their river from the beginning, they take in as much as \$20,000,000 every year at the customhouse and turn it into the Treasury of the United States. That is a mighty good return on the investment for the channel.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. CALLAWAY rose.

Mr. MOORE of Pennsylvania. Mr. Chairman, I must decline to yield to the gentleman because of the time limit.

Mr. CALLAWAY. Has the Government ever been called upon to make an estimate as to the cost of this?

Mr. MOORE of Pennsylvania. Yes, and the gentleman from Texas is thoroughly familiar with it; several times he has undertaken to dissect it on the floor. Estimates have been presented here from time immemorial, and it is just such obstructive tactics as the gentleman from Texas is well capable of that have held up this project, that in time of war would be a saving clause to the Nation. [Applause.]

Mr. Chairman, it is unnecessary for me to refer, so far as the gentleman from Texas [Mr. CALLAWAY] is concerned, to the reports of the engineers or to the distinguished men of the Army and Navy who have urged the construction of these important coastal canals—no less distinguished a man than George Dewey, the present Admiral of the Navy, was one of them. Men of this type have been on the boards reporting on this project, and they have said that it is absolutely essential to the proper protection of the coast. They have dealt with the commercial features of it, but they have always insisted that as a matter of preparedness for war it is necessary, and yet all these reports do not seem to prevail with the gentleman. I could quote Secretary Daniels and other Secretaries of War and Navy, but time does not now permit.

I have in my hand one of the latest of the reports, known as the "Agnus" report, which was prepared by military and naval officers and civilians. In that report (1907), as to the commercial side, they say:

An idea of the trade immediately affected can be had from the statement contained in report No. 2725 to the Fifty-eighth Congress, which says:

"The commerce of the Delaware & Chesapeake, registered and otherwise, has been estimated all the way from 50,000,000 to 90,000,000 tons annually. This is much larger than the tonnage of the entire annual foreign commerce of the United States. The Isthmian Canal Commission estimated that the Panama Canal, now to be built at a cost approximating \$200,000,000, would have carried a tonnage in 1899 of but 4,574,852 tons."

Of the registered tonnage traffic in a recent compilation, 25,873,167 were on Delaware Bay points and 24,151,932 on Chesapeake Bay points. These figures, however, do not include the undocumented and unregistered tonnage traffic, which would add nearly 100 per cent to the total.

Considerably less than one-tenth of the traffic on the Delaware and Chesapeake Bays and their various points belongs to foreign commerce. The great value of the proposed canal would be in facilitating the coastwise trade.

As to the military side, they say:

Assuming, however, that both termini are to be properly defended, the canal itself offers many advantages to such defense by the ready means of intercommunication afforded. The canal would permit the prompt interchange of troops and munitions between the coast batteries, and particularly of the submarines, scout boats, and coast-defense monitors, that now form an important factor in seacoast defense, thus minimizing the number required for a complete defense.

Another important feature of the canal would be the obstacle presented by it as an adjunct for land defenses. These would serve as a base for troops operating to break up military occupation of the peninsula, or to check advances therefrom, without reembarkation should such occupation become effective. A geographical study of the Atlantic coast of the United States, as at present defended, shows the peninsula of Maryland and Delaware as the most vulnerable and suit-



able place for the location of a base for land operations, should our Navy be driven from the seas. This was demonstrated by history in the War of 1812.

There is so much of this that I shall have to stop in order to read a portion of an even more recent report. It is contained in Senate Document No. 14, a document that was prepared since the present agitation for preparedness began. These military gentlemen know exactly what it means for a foreign ship to get into those bays. There are no defenses here at the entrance to the Delaware Bay, no fortification on the Cape May side nor on the other side. This bay is clean and clear of fortifications until we arrive up here 40 miles from the mouth, where there are three forts, and I wish to say, to the shame of our state of preparedness, that this Government has but 200 men to man these three forts, not sufficient to keep the guns of the Government in order. The nominal quota is 800 men, but they have been removed from two of the forts and have been put on the Delaware side of the river in order to keep the machinery in that fort, at least, oiled and in condition. It is easy to observe that if an enemy came into this river—the Delaware—with its great industrial establishments and shipyards, the railroads from Boston and New York and points north going along this coast line to points south could be put under control. It would not take very long, in our present condition, to stop communication between the north and the south, if those railroads were torn up or if the enemy should take possession of that country.

But I desire, in the few minutes left, to say something about the latest Army report. It comes from Brig. Gen. M. Macomb, Chief of the War College Division; Brig. Gen. Tasker H. Bliss, of the United States Army, Chief of Staff; and ex-Secretary of War Garrison. On February 27, 1916, they joined in making the following answer to queries put to them by the Senate:

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SMALL. How much time would the gentleman take to develop that idea?

Mr. MOORE of Pennsylvania. I would want only about three minutes.

Mr. SMALL. Then I ask unanimous consent that he be permitted to proceed for three minutes.

Mr. HOPWOOD. Mr. Chairman, I suggest that he be given sufficient time to conclude.

Mr. MOORE of Pennsylvania. I shall not want more than five minutes.

Mr. HOPWOOD. Then I ask unanimous consent that he may proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his colleague may proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is the official report of the War College, backed up by the Secretary of War. Kindly bear in mind that we propose to spend millions, maybe hundreds of millions, putting new battleships on the seas and in building submarines. We propose to spend millions, even a hundred million, in increasing the armed forces upon land; and yet here, where the vessels of the Government and these increased forces may be called upon to make their final stand, we stop, even though in times of peace it would be of the greatest commercial advantage to the people of the land; still we stop, unprepared, because it will cost eight millions or some other sum to build a canal and put our Government in possession of essential advantages for passing submarines and warships to our various navy yards.

Mr. STAFFORD. Mr. Chairman, is the present canal suitable for the passage of submarines?

Mr. MOORE of Pennsylvania. It is not. I have asked the Navy Department on several occasions to send their submarines through that canal, and in each instance they have replied they could not do it. In one instance four of those vessels were sent from the navy yard at Philadelphia to the navy yard at Charleston. I asked that they be sent through the canal. The answer was that there was not sufficient depth of water there to permit it. Those valuable pieces of Government property went to sea, and they struck a storm outside of Cape Hatteras and were blown back. In due course Congress was asked to make appropriations to put in repair the ships that were damaged.

Mr. SMALL. It has a depth of only 9 feet and the width of locks is only 34.

Mr. MOORE of Pennsylvania. The width of locks of the Chesapeake & Delaware Canal is 24 feet odd, and the commercial vessels that use those locks are built away up in the air, to accommodate these antiquated locks of 1829. And yet commerce is begging, commerce is pleading, to go through, while the railroads have the situation entirely in their hands. [Ap-

plause.] This War Department report which bears so directly upon this matter is as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
Washington, February 27, 1915.

Memorandum for the Chief of Staff.  
Subject: Military advantages of the Chesapeake & Delaware Canal.

1. There is returned herewith a memorandum with attached papers on the above subject, dated February 24, 1915, from the Secretary of War to the Chief of Staff, wherein three questions are submitted:

"(a) The military advantage, if any, of the existence of this canal.  
"(b) Whether a canal along this line would be of any military advantage; and if so, what?  
"(c) What character and size the canal would have to be in order to be of any advantage?"

These questions apparently refer both to the present and contemplated canal along this line.

2. In answer to 1 (a), it is believed that the existing canal has some value as it exists to-day as an obstacle to the advance of a hostile expedition landing on the west bank of Delaware Bay and advancing against Wilmington and Philadelphia. The fine, undefended harbor at Lewes, Del., makes such a landing a probability. The canal, especially at the locks, is so narrow, only 24 feet at the locks, as to form an obstacle not very formidable. The canal is too small for the passage of submarines or other naval craft that would be used for preventing the landing of troops from hostile transports, and too small and obstructed by locks for rapid transport of troops and material from one bay to the other.

3. As to 1 (b), a sea-level canal along this same line would be of very great military importance from the following points of view:

(a) For the movement of submarines and other craft that must constitute an important part of our coast-defense system.

(b) As forming an almost impassable obstacle to the passage of troops advancing to attack Wilmington or Philadelphia from the peninsula between Delaware and Chesapeake Bays.

(c) For the transport of men and matériel of the Coast Artillery and the Coast Artillery supports from one bay to the other.

4. The first of the points enumerated in paragraph 3 is a military one, because submarines and other small craft are believed to be at present an integral part of the seacoast defense, for use not only against naval attack on the harbors, but in a still more important sense against transports attempting to land a hostile force on our shores in case of the defeat of our Navy. Seacoast defenses reach no farther than the range of their guns, and it is impossible to distribute mobile army troops at all possible landing places to prevent the landing of troops without so frittering away the Army in small detachments as to render it almost impossible to collect them for united action. A canal such as proposed would allow the whole force of submarines, etc., to be held in one of the two bays and used with equal efficiency in either. Without the canal the force of submarines, etc., must be divided between the two bays, and to reinforce one another they must attempt a passage by the outside, a distance of over 200 miles, as against about 15 miles by the canal.

A canal along this line and one from Delaware Bay to New York Harbor would make a landing of hostile troops almost impossible between Narragansett Bay and Chesapeake Bay, and the construction of this canal is an important step toward the accomplishment of this result.

5. As an obstacle and a part of the land defense of Wilmington and Philadelphia a canal suited for other commercial and naval purposes would be of great importance. Defended by a few troops and small gunboats, such an obstacle (of the size recommended below) would hardly be crossed, and it is not believed that it would be attempted.

6. As a means of transport it has a measure of value for the easy transportation of men and matériel between the fortifications of Delaware Bay and of Baltimore.

7. As to 1 (c), the objects set forth in paragraph 3 above can be obtained by a sea-level canal having a depth of 18 feet at mean low water and a bottom width of about 150 feet. While tides of 6 feet to 10 feet prevail in the waters at the ends of the canal, investigation has shown that guard locks will not be necessary and that an open canal will be entirely feasible.

M. M. MACOMB,  
Brigadier General, Chief of War College Division.

I concur.

TASKER H. BLISS,  
Brigadier General, United States Army, Acting Chief of Staff.

I concur.

LINDLEY M. GARRISON,  
Secretary of War.

With these facts before us, gentlemen, what shall we do? If a foreign fleet should suddenly drive our vessels in, what are we going to say to the people of the United States when they ask us why we did not make ready a passageway for our own vessels, so that they might get to New York or to the Philadelphia Navy Yard for repairs? It is not a question of digging 1,800 miles; that is rot. It is a question of connecting up a little link here and there to make a connected chain. It is the doing by man of that sensible thing which God intended he should do along that coast. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I have leave to extend my remarks?

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, at the end of line 9, insert the following:

"Provided, That no part of the money hereby appropriated shall be used to pay for any work done by private contract if the contract price is more than 25 per cent in excess of the cost of doing the work by a Government plant."

Mr. GOOD. Mr. Chairman, this bill, as I understand, carries an appropriation of \$39,600,000. By the majority of the committee reporting it here it is contended that every item in it is a meritorious provision. By others it is contended there is a great deal of "pork" in the bill, and that many items should not be appropriated for. With this contention I have no quarrel. In reading over some of the items it seems to me, however, that we are providing considerable pork in the way of private contracts. For instance, under the engineer's reports, at page 486, with reference to inland waterways from Norfolk to Beaufort, I find the engineers report 1,282,833 cubic yards of material have been removed by day labor, using Government plants, resulting in 3.2 miles of completed channel; 4,698,225 cubic yards of material have been removed by contract, giving 14.4 miles of completed channel. The average cost of the work with Government plants was 0.043 cent per cubic yard, place measurement. The average contract price was 0.0752 cent per cubic yard, place measurement. That shows there is over 100 per cent profit to the private contractor. That certainly is unreasonable. We ought to put in this bill some provision, some limitation, beyond which the Army engineers, or those having control of this large sum of money, can not go. We ought to say, when we are appropriating \$40,000,000, all of which can be expended by private contract, that not to exceed 25 per cent of profit shall be given to private contractors. If we are ever to relieve this bill from the charge of "pork," let us put in such a provision; and if 25 per cent is not sufficient, write in a larger percentage, but let us put a limitation, beyond which the Army engineers can not go. I for one feel that 25 per cent is sufficient.

Mr. FORDNEY. Will the gentleman yield?

Mr. GOOD. I yield.

Mr. FORDNEY. In the expense given for that work done by the Government, what is included there for dead expense, depreciation, taxes, insurance which that property would pay provided it were private property? Are those things put into the cost of production the same as private property?

Mr. GOOD. I do not know.

Mr. FORDNEY. No, they are not.

Mr. GOOD. The report as I read it does not show, but the gentleman, I fear, is not informed with regard to this because I have searched the report and it is silent on this subject.

Mr. FORDNEY. It never is on Government property.

Mr. GOOD. I may say to the gentleman even if it is not included, if the amount I have inserted is not sufficient to yield fair returns, let us here as business men, capable of passing upon this subject, say how much shall be included as interest on investment, for depreciation, and everything of that kind. I believe, knowing what I do of a project wherein we are appropriating this year a million dollars, that 35 or 40 per cent of it will be profit to the private contractor if the work is all done by private contract. He will do that work in one year or less time. His equipment does not involve a great amount of money, but his profit will be between \$300,000 and \$400,000, and it seems to me that some limitation ought to be put on these expenditures. Such a thing ought to be impossible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word. I want to say in reply to the gentleman from Iowa [Mr. Good] that it would be fair to say when comparing the cost of construction of work by doing the entire amount of work by private contract or by a Government contract in the calculation of the cost, that where it is done by the Government or by municipalities, the cost of interest on the money invested in the plant, the taxes that property would pay if it were private property, depreciation, and all overhead expenses are not included. Therefore, when comparisons are made of the cost in such a matter it is not a fair comparison. It is not just to private individuals, and I defy the gentleman or any other gentleman to point out where the Government, or any State, or any city, or any municipality, ever did work by day or by month or in any other way where it did not cost more money than if constructed by private individuals. Of course, contracts may be made with private individuals where the price is entirely too high, but the actual cost between the two is always greater.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GOOD. Perhaps the gentleman did not notice the reading of my amendment.

Mr. FORDNEY. Yes; I did.

Mr. GOOD. It took the cost to the Government, which the gentleman says is much higher than it would cost a private manufacturer. Therefore, instead of a profit of 25 per cent, we ought to cut down the percentage, because the private manufacturer will have some profit in addition to the 25 per cent.

Mr. FORDNEY. I am agreeing with the gentleman that some limitation would be right; but to make those comparisons without giving all items of cost in production is absolutely unfair. The gentleman knows that in giving Government costs overhead expenses are not included.

Mr. SMALL. Mr. Chairman, everyone must be in sympathy with the purpose of the gentleman who offers this amendment in so far as it is intended to effect economy, but the amendment is not practicable and will not subserve the purpose which the gentleman has in view.

In the first place, while it appears in this particular instance that the contract price was greater than the cost of what appears to have been similar work done by the Government, that was an exceptional case. According to my information, upon the average the contract price of dredging and other excavation is less than it usually costs by Government plants.

Now, in making the calculation of the cost by Government plant there is not taken into consideration the initial investment in the dredge and the equipment. There is not taken into consideration the necessary cost of supervision by the engineers, whose salaries are already paid and do not come out of the appropriation. Neither is there taken into consideration the wear and tear of the plant; so that when you omit those three items—wear and tear, the interest on the investment, and the cost of supervision—it can well be seen that there is no fair comparison between the cost by Government plant and the cost by private contractor.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. SWITZER. Will the gentleman please state how long it would take to complete the project referred to on the Beaufort Canal with Government equipment?

Mr. SMALL. It would be indefinite. Probably if they were given all the money they could spend, by Government plant it would take 15 years.

Mr. SWITZER. Has not the price of iron and everything gone up considerably in the last two years?

Mr. SMALL. There is no doubt about that.

Mr. HULBERT. Mr. Chairman, will the gentleman yield there?

Mr. SMALL. Yes.

Mr. HULBERT. Did not Col. Taylor state that if this work were done entirely by Government plant it would require only six or seven years?

Mr. SMALL. It is my impression that he said "15 years."

Mr. HULBERT. I have it written down that he so stated; that it would require six or seven years.

Mr. SMALL. Then I am glad to be corrected.

Mr. SIMS. Mr. Chairman, will the gentleman yield there?

Mr. SMALL. Yes.

Mr. SIMS. Is it not a fact that the building of the Panama Canal was undertaken at first by getting outside men to look after it, but is it not also a fact that after the Government placed its own engineers in charge, with Col. Goethals at the head, they continually decreased the cost per unit of construction from the time they took charge until they finished the work, and had no motive except to build as best they could for the least money? And even considering the deterioration in the value of equipment, the work ever since the engineers took charge at Panama has been cheaper than any work ever done by private contractors on earth?

Mr. SMALL. Perhaps that is a debatable question as to the cost, but there were reasons for putting that work into the hands of the Army engineers that seemed to be conclusive. But there is another fact that I wish to suggest, and that is that there is not a Government plant used upon many works of improvement. There are only a few works of improvement where the construction of a dredge has been authorized by the Government, so that on many of the works of improvement in progress there would be no test of the prospective cost by private contract or by Government plant; so that no matter how much we may be in sympathy with the amendment to effect economy, yet as a matter of fact under existing conditions it is impracticable.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. FREAR. Mr. Chairman, I believe the chairman of the committee will agree that when Col. Taylor was before us on this very proposition he stated that when the Government had a dredge upon any particular piece of work it had the effect of creating competition, so that private companies always reduced their rate. That is true, is it not?

Mr. SPARKMAN. That is substantially true.

Mr. FREAR. So the very fact that the Government has its plant there compels the private company to reduce the charge it



would otherwise make. In this case of the Beaufort Canal the charge is about double the cost of Government work. There was no statement made before the committee, so far as I recollect, why a million dollars should be appropriated when something like \$200,000 was sufficient to keep the Government crew employed. It was stated that six or eight years would complete the work, if I remember correctly. That means between three and four hundred thousand dollars additional price for 1916 because of private contractors, without reference to the Government dredge. Just why private contractors are to be employed and why the large appropriation is proposed has not been made plain.

Mr. HUDDLESTON. Mr. Chairman, it seems to me that the arguments of the gentleman from North Carolina [Mr. SMALL] and of the gentleman from Michigan [Mr. FORDNEY] do not respond to the amendment proposed by the gentleman from Iowa [Mr. GOOD]. The argument in favor of that amendment is that where the Government can do the work cheaper than it can be done by private contract the work ought to be done by the Government.

Assuming that the Government can do the work 25 per cent cheaper than by having it done by private contract, why should not the work be done by the Government directly? I ask any gentleman to give me any good reason why the Government should let out the work to private contractors when the Government can do it more cheaply than the contract price. This Government does not exist and Government work is not done in order to make private business. It is done for the public welfare. Contracts are not let in order to have contractors make profits. They are let in order that the business of the Government may go on in the best and most satisfactory and cheapest way.

I would like to have some gentleman here present a fair answer to the question, Why should we take money out of the Public Treasury merely in order to put it in the pockets of contractors? I want to say to you gentlemen that I think all Government work should be done directly by the Government when it can be done as cheaply and as satisfactorily as it can be done by private contractors. If there is any good reason to the contrary, I should like very much to hear it, for I have never had the pleasure of hearing such reason in all my life.

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the last two words. I have some information in regard to river and harbor work down on the Great Lakes. I have a harbor district, and I have seen some of that work going on, and know something of the letting of contracts for the work. As to the dredging, I think it would be advisable for the Government to provide dredges for doing much more of the work than is now done by the Government itself. On the Great Lakes there is one large dredge, or sand sucker, the *Gen. Meade*, which is in constant use during the season of navigation and is doing splendid work. One reason why the dredging that is done by the *Gen. Meade* can not be done to advantage by private interests is that when the work is to be let to individuals or private companies it must be let by contract, and often it is necessary to do dredging work without permitting the time to elapse which would be necessary for getting bids for the work. All along the shores of the Great Lakes after a storm bars are formed at the harbor mouths, and the *Gen. Meade* is sent from one harbor to another under the direction of the local Government engineer to dredge away those bars, and in that way the work is done promptly. If it were necessary to have the work done by private concerns it would be necessary in each case to advertise for proposals, and considerable time must elapse, which would be time wasted.

Now as to the difference between the cost to the Government of doing its own work and the cost to the Government of having it done by private interests, I believe the Government is doing the work much more cheaply, although it is true, as stated by the gentleman from North Carolina [Mr. SMALL], that it is difficult for us to make an estimate of the original cost to the Government of supplying the plant, of building the ship, and of operating and maintaining it when it is not engaged in actual work. But I should dislike very much to see any reduction in the plants of the Government now devoted to that kind of work. Some one asks why the Government does not do all that kind of work itself, and not permit private interests to bid on it and do the work. It is on account of the unwillingness of Congress to supply the money necessary for the building of these great dredges. I think it would be the part of wisdom and that it would certainly work economy if the Government were willing to appropriate the money for the building of more of these great dredges. The work would be done more expeditiously, more satisfactorily, and with economy if Con-

gress would appropriate the money necessary for the construction, maintenance, and operation of these dredges.

Mr. SPARKMAN. Mr. Chairman, this is another effort to establish a hard and fast rule where I think it is not advisable to do so. The House is not at this time in a position to do that intelligently. It has not the information before it necessary to enable it to act wisely, even if it were otherwise thought advisable to establish such a rule, which I very much doubt. If a remedy is needed it does not lie along that line, in my opinion, but along the line of more Government dredges; that is, a sufficient number of dredging and auxiliary plants owned by the Government to do all the river and harbor work the Government has to do. When the Government is thus equipped and not before can we eliminate this contract work. I may say further, that it has not been the policy of Congress, so far as I know, to discourage private enterprise. But it has been the policy to construct dredges enough to prevent private contractors from holding up the Government, and this has practically been accomplished. We have a large collection of plants now; perhaps not as many as we ought to have, but we have enough to exert a potent influence on private contractors or would-be contractors. In some instances it may cost more to employ them, but in others it is cheaper. Still, in the future it may be wise to establish some such rule; but until we have more information before us, sufficient information to enable us to establish an equitable rule—a rule that is workable—we should not, in my judgment, adopt any such provision as this, and I hope it will be voted down.

Mr. GOOD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SIMS. May I ask the gentleman if he does not think it is our patriotic duty to save this Government from being robbed of 100 per cent more than a reasonable profit, by making no limitation on these things?

Mr. GOOD. Yes; and if this committee votes down this amendment it practically reverses itself with regard to the purchasing of ammunition and war supplies. A few years ago we found that limbers purchased from the Bethlehem Steel Co. for as high as \$1,700 and \$1,800 apiece were being manufactured in the Government arsenal for \$650 apiece, and Congress put a stop to the practice of paying that exorbitant price. The gentleman from Michigan says that the matter of depreciation is not figured in here at all. I do not know that. I rather think he is correct, but I do know that at a hearing before the committee on fortifications, when we were considering the matter of depreciation of plant relative of the cost of powder, Admiral Twining appeared before the committee and said depreciation should be figured at 3 cents a pound. We found that we had one Government plant where the buildings and equipment cost \$340,000 which had an annual capacity of 3,000,000 pounds. Multiply 3,000,000 pounds by 3 cents, which he said was a reasonable allowance for depreciation, and you have \$90,000 a year depreciation of plant that only cost \$340,000. Then we have his testimony that the plant ought to last at least 10 years, and that the Government plant at Indianhead, with slight improvements, was as good then as it was 10 or 12 years before, when it was constructed.

The Wall Street Journal of the 29th of February contains a statement made by Dow, Jones & Co., wherein they say that 27 munition factories in the United States have contracts of war orders for 1916 to deliver to the European powers aggregating \$2,000,000,000 and that the profits on those contracts will aggregate more than \$1,000,000,000. That is about the percentage of profit recognized by military men. When you gentlemen come to face the preparedness bills that will come before this House you will have the same question that confronts us now. Are you going to run away from it or are you going to meet it like men? If 25 per cent is not enough—and I think it is enough for any concern—if that is not enough profit, make it 50 per cent, but for Heaven's sake do not let the Army engineers in the future, as they have in the past, give private contracts with more than 100 per cent profit. I have instances cases where the profit is over 300 per cent. That is all this amendment is; it simply provides a limitation on the power of the Army engineers and the Secretary of War to grant private contracts. It provides that contracts shall not be made when the profits aggregate more than 25 per cent as based on the cost to the Government. Everybody concedes that the Government costs are always higher than private costs for the same thing. That has been testified to by admirals in the Navy and by generals in the Army in regard to the production of war supplies. There are



many reasons for it. It is true because of certain regulations in all Government work that do not obtain with a private manufacturer, and therefore when I am offering an amendment limiting the profit to 25 per cent, based on Government costs, in actual operation it will yield a profit of more than 35 per cent to the private manufacturer, and I submit that that is enough to take reasonable care of interest on capital invested, depreciation, insurance, and such charges, and it will, in addition, even pay a big return on watered stock.

Gentlemen talk about competition in contracts. You and I know that in railroad contracts and river and harbor contracts there is, as a general rule, no fair competition, and the only place you have to practice real economy and to protect the Treasury from being robbed is to write in bills like this limitations of this kind. I submit that 25 per cent is not only ample, but it is a liberal profit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. Goon), there were 22 ayes and 48 noes.

So the amendment was rejected.

The Clerk read as follows:

Georges River (Thomaston Harbor), Me.: For maintenance, \$10,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I do that for the purpose of saying to the chairman that I will ask unanimous consent that before we consider any of the other items we go to the item at the bottom of page 4, the East River of New York, and take that up and dispose of it. The reason I do that is because I think the item in regard to the East River may influence Members whichever way we act on it, especially if we reject it. And it would shorten up the time on the consideration of the bill. Further than that, I feel that a good many Members will be guided in their votes on other items quite largely by what happens to that item.

Another thing, I do not think that it is fair that we should pass upon the items before we reach the New York item, because if we are going to take on new projects I anticipate that will decide a good many votes on the other items in the bill. Speaking for myself frankly, to illustrate what I mean, if the New York item be taken on in the bill, being a new project, I think there are several other items which will be offered as new projects. I do not think that we ought to be compelled to vote on the Boston Harbor amendment until we know whether the committee is going to sustain the River and Harbor Committee in taking on this new project. I think it would be a saving of time, and I think it would be fair all around, if we go to the East River item first. Therefore I ask unanimous consent that the East River item be immediately considered before reading any other portion of the bill.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the item found on page 4 of the bill, line 23, be considered now, out of its order. Is there objection?

Mr. SPARKMAN. Mr. Chairman, I very reluctantly object to that. I have been giving it consideration while the gentleman has been speaking, and it seems to me that we had better go ahead with the bill as it is.

The Clerk read as follows:

Harbor at Boston, Mass.: For maintenance, \$100,000.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the period, on page 2, line 8, insert the following:

"Harbor at Boston, Mass.: For improvement with a view of providing a channel between President Roads and the sea, 40 feet deep at mean low water, in accordance with report of the Chief of Engineers, United States Army, published in House Document No. 931, Sixty-third Congress, second session, \$100,000."

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent that the amendment which I have just offered be regarded as pending and passed over until the item on page 4, line 23, and page 5, lines 1 to 12, be disposed of, and that this amendment which I have just offered be taken up at the conclusion of the item referred to.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the item and amendment he has offered thereto be passed until after the consideration of the item found at the bottom of page 4, line 23. Is there objection?

Mr. SPARKMAN. I object.

Mr. TAGUE. Mr. Chairman, the amendment offered by my colleague from Massachusetts [Mr. TREADWAY] is, to my mind, one that deserves the favorable consideration of this House at the present time. I do not intend in any way to hold up the proceedings of this body in supporting this amendment, and it is only with the intention of laying before the body just what

this amendment means to the people of Massachusetts that I rise. We have heard a good deal during this session about preparedness. We have been told that we are going to expend millions of dollars in building up a Navy and Army, and yet, Mr. Chairman, at this very moment there stands one of the new products of the Navy of this country, the *Pennsylvania*, unable at low tide to come up into the navy yard at Boston, because there is not water enough to admit her. That is the condition that prevails to-day in the harbor at Boston in the bay of Massachusetts, and we, the Representatives from that State, come before you and ask in all fairness to Massachusetts, which is nearer by 190 miles to the countries across the sea than any other port of the country, that our harbor be deepened, as it should be. For years the merchants of Boston and Massachusetts have liberally expended their money upon the port of Boston. For years they have been building up a port that will be a credit to the Nation, anticipating, as they have, that when the right time came, and it comes now, the United States Government would be willing to put their small share into the bucket in order that the harbor might be improved as it should be.

In our city within the last few years we have expended \$9,000,000 in building docks and are to-day building the largest and the best dry dock that can be built for the reception of the ships for repair. This dry dock will be built at an expense of over \$3,000,000 of the business men's money of the State of Massachusetts. The State of Massachusetts has said to the Government, "You have the right to that dock as against all commercial or business enterprises." The State of Massachusetts has also built at a great expense out of her treasury the largest pier on the Atlantic coast, large enough to accommodate six of the largest ships afloat, and in each of these docks they have deepened the water to 40 feet, while the main channel in our bay is only 35 feet, and is unable to accommodate ships that are now being constructed, and which should be brought in for commercial as well as military purposes. A great deal has been said here in criticism of the committee that has brought in this appropriation bill, but I do not wish to criticize that committee and I will not, because I believe they have done a great work for the Government. I realize how hard it is to bring in an appropriation bill that will satisfy everyone. I realize that every district of the Nation is clamoring for some improvement, which is the same that we are doing for the improvement in our district, and I realize, too, that it is the ambition of every Member of Congress that that improvement shall go where he thinks it is for the best interest for the people of his community and will bring to the Government the best return. I am a believer in the opening up of the waterways of the country.

I think it is the best thing for the commercial interests of the Nation that wherever a river is not navigable and it is going to improve the Nation's resources, it is the duty of the Government to open the river up to such a degree of navigation that any ship that floats that will be required to enter may be able to do so. It is with that in mind that we from Massachusetts to-day say to you—and I know I speak the mind of my colleagues—that we do not want to deter this measure by any rider or amendment that might be proposed. We simply come here and ask as an act of justice at this time that the navy yard of our district be protected; that the commercial interests of our district be protected; that means be used whereby one of the great navy yards of these United States can be utilized to the best interests of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for five minutes further.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAGUE. Mr. Chairman, I do not intend to tire this House with figures or facts; I do not intend to delve into many figures I could present to the House; but I will ask to insert them in the Record, because I know that before this bill is passed you will have heard so much of figures that you will not care to go into them as we should. I do desire to state this: The foreign commerce of the port of Boston for the year 1915 was \$290,516,803, a gain of \$57,000,000 over that of 1914. New England manufactures one-seventh of the entire manufactured products of the Nation, and into the port of Boston and out of the port of Boston go the greater amount of these manufactures.

The United States has expended on Boston Harbor and its tributary rivers from 1825 to 1915, a period of 90 years, \$12,668,000, or an average of \$140,000 a year, while the State of Massachusetts in one-half of that time, from 1870 to 1915, 45 years, has expended the sum of \$15,000,000, or \$333,000 a year. The receipts from the customs at the port of Boston are over



\$10,000,000 a year, and the income tax to the Government from the citizens of Massachusetts is \$4,400,000 a year. I do not bring in these figures to show that any other part of the Nation or any other river or harbor is not entitled to consideration from this body, but I do contend, and I hope the members of this committee will agree with me, that when an expenditure is asked for that means so much to the State of Massachusetts and to all New England, which means the opportunity of enlarging the business of that section of the country, the expenditure of \$400,000 at this time should not in any way deter the Members of the House from granting it to us. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, the amendment offered by my colleague from Massachusetts [Mr. TREADWAY] has another aspect than that of the purely commercial benefit to the port of Boston by a deepening of the channel. Preparedness is the watchword of the hour. In the harbor of Boston we have as fine a navy yard as you can find in the country, ample facilities for repairing battleships; and with the expenditure of a small amount of money that yard can be equipped to build battleships. We have, in addition to the navy yard, a new dry dock, mentioned by my colleague [Mr. TAGUE], which is being constructed under the direction of the directors of the port of Boston.

I want to say to this committee that battleships now under construction are practically twice the length of battleships built 12 or 15 years ago, and that we have not in this country to-day a dry dock that will accommodate the ships that the present Congress will probably authorize, because if we carry out—

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. The presidential program. I yield.

Mr. HUMPHREY of Washington. Did I understand the gentleman to say we did not have a dock in a navy yard that would accommodate these vessels?

Mr. ROBERTS of Massachusetts. I said the ships we will probably authorize this year.

Mr. HUMPHREY of Washington. What is the size?

Mr. ROBERTS of Massachusetts. They are eight or nine hundred feet in length.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken about that—

Mr. ROBERTS of Massachusetts. I am not mistaken on that proposition. I think the gentleman will find—

Mr. HUMPHREY of Washington. The gentleman is mistaken about there not being a dock to put them in.

Mr. ROBERTS of Massachusetts. The only docks under construction that will take in ships of that size are the dock at Boston, being built by the municipality, the dock being built by the Union Iron Works in San Francisco Bay, and the dock at Hawaii, being built by the Government. It is essential, if this plan of preparedness is to be a successful—

Mr. TREADWAY. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. I do.

Mr. TREADWAY. Will the gentleman be kind enough to state the depth that these battleships will draw as at present contemplated?

Mr. ROBERTS of Massachusetts. That, of course, is a matter of conjecture, because, as I understand, the plans have not yet been made. Presumably, however, the draft will not exceed 31 feet. They may not be that draft, but if we are to have a successful plan of preparedness we must make it possible that these great battleships can come from the ocean into a dock or into a navy yard, and to do that we must provide a sufficient depth of water in the channels leading from the ocean to these docks and these navy yards. Hence, it is essential as a part of the broad plan of preparedness that this port of Boston and other ports of this country be provided with sufficient depth of water to take in these battleships. Now, that does not mean that there should be depth of water enough to take a battleship under normal conditions; you must have a sufficient depth of water to take a battleship to a dock or to a navy yard when she has been wounded in a fight and she is drawing from 5 to 10 or more feet, by reason of that condition, over the normal draft, otherwise you may lose your ship because you can not get her to a place of safety to make the repairs.

Mr. TREADWAY. Mr. Chairman, I occupied so much of the time of the committee yesterday in connection with the subject matter of the amendment now before us that I do not feel inclined to transgress too long upon the committee at this time. I agree most heartily with all the statements made by my two colleagues, the gentleman from Boston [Mr. TAGUE] and the other gentleman from our State [Mr. ROBERTS]. There is every argument possible to be made that the appropriation asked for

by this amendment should go into the bill at this time. In conversation a short time ago with Admiral Benson, he told me that there was water enough now to get into Boston Harbor any ship at present in commission. He did say that the future would require more water to reach the dry dock now in process of construction, and I called his attention to the fact that the last improvement of Boston Harbor required 12 years to complete; that the dry dock in process of construction now would require about a year and a half to complete, so that if we are to have water enough to reach that dry dock we certainly must begin before the time of its completion. We can not afford to wait, Mr. Chairman, 12 years to secure sufficient water to reach the dry dock put at the disposal of the Federal Government, paid for by the State of Massachusetts, the largest dry dock on the Western Hemisphere, a dock which Admiral Benson testified before the committee will take in any vessel that can go through the Panama Canal. Now, the gentleman from Illinois [Mr. MADDEN] a few moments ago referred to the percentage between the amount contained in this bill for the various States and the amount that those States pay into the Federal Treasury in the way of income taxes.

I just wish to use the comparison to carry out the same idea as the gentleman from Massachusetts [Mr. TAGUE] did in these same figures. Massachusetts has in this bill to-day \$315,000—\$150,000 of it is for improvements and \$165,000 of it is for maintenance of existing projects. Last year, Mr. Chairman, there was collected in the State of Massachusetts from the corporation income taxes, \$1,853,157.41; from the individual income taxes, \$2,683,084.53; making a total paid by citizens of the State of Massachusetts of \$4,536,141.94. So that no Member of this House can claim that Massachusetts is asking anything unfair from the Congress of the United States when it affords a channel whereby its own vessels can reach the dry dock built by the money of the citizens of Massachusetts and which the State is glad to have the Federal Government use. Massachusetts has not only made this large contribution to the Federal Treasury, but has more than matched dollar for dollar in the development of the harbor. I submit, Mr. Chairman, that that is as fair a proposition as ever was put before this House.

Mr. SIMS. Will the gentleman yield for a question?

Mr. TREADWAY. I will.

Mr. SIMS. I hear this income-tax argument so often I would like to ask a question. Is it not a fact that in sections like this there is quite a percentage of people who own stock in corporations beyond the State from which they receive profit and pay taxes on?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent that my colleague may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TREADWAY. I think the gentleman's question is rather beyond the point. It is a mutual business transaction. People get their money's worth for anything they buy in the Commonwealth of Massachusetts.

Mr. SIMS. I am not opposing the gentleman's amendment, but it is like talking about where the revenues are collected.

Mr. TREADWAY. I do not consider the argument I make as the sole basis on which I ask the appropriation.

Mr. SIMS. I have no doubt some of the investments in my own State pay some of that.

Mr. TREADWAY. The gentleman's people, then, have investments in good corporations.

Mr. HOLLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Virginia?

Mr. TREADWAY. Yes. If I get the time, I am perfectly willing to answer all questions, but I trust the chairman of the Committee on Rivers and Harbors will not cut me off in the matter of time.

Mr. SPARKMAN. I want a reasonable time to be allowed for this discussion.

Mr. HOLLAND. Would it not be a good plan to improve channels used by the Government for the Navy without deviating too much from the rule of the committee by including new projects?

Mr. TREADWAY. Yes. I am glad the gentleman brought up that question. I referred to it indirectly in my remarks yesterday. I think the approaches to our navy yards in this country are absolutely to-day in a class by themselves. There is no comparison between the merits of improvement of the approaches to any navy yard on the Atlantic or Pacific coast with the possibility of improving or maintaining some little

commercial channel, whether in New England or elsewhere in the country. That is where we want to spend our money. We want to spend it on just such propositions as this amendment calls for. It is an element of preparedness. It is what the people of our country demand to-day, and therefore I say we come right here absolutely on our merits asking, as one feature of the element of preparedness, that we deepen the channel so that battleships can get to the dry dock at Boston and to the Charlestown Navy Yard. I agree absolutely with the gentleman from Virginia [Mr. HOLLAND].

Mr. ROGERS. Mr. Chairman, will my colleague yield there?

Mr. TREADWAY. Certainly.

Mr. ROGERS. Is it not a fact that the port of Boston, in value of trade, is the second port in the United States?

Mr. TREADWAY. Yes; the second port in the United States and the fifth in all the world. I have all those statistics in the articles I inserted in the Record yesterday.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. TREADWAY. Yes.

Mr. MOORE of Pennsylvania. I hope the gentleman will make that statement with a reservation. Philadelphia is now the second port in the matter of collections.

Mr. TREADWAY. In what particular?

Mr. MOORE of Pennsylvania. In the matter of collections, and also in the matter of tonnage.

Mr. TREADWAY. Well, my authority is the document which I quoted from yesterday. If it is not up to date, I am very glad that occasionally the State of Pennsylvania is not so slow as our good, old, conservative New England. Certainly it would not be if all its citizens were like the gentleman from Philadelphia. [Applause.]

But, Mr. Chairman, in order that the gentleman may not have too exalted an idea of Philadelphia's greatness and as a matter of accuracy I will state the total value of imports for the Massachusetts district in 1915 was \$159,917,216, whereas the value for the Philadelphia district was \$67,913,141. Also, total number of trans-Atlantic passengers handled during 1913 out of Boston was 114,000 and out of Philadelphia 87,000.

Mr. MOORE of Pennsylvania. Well, Mr. Chairman, under those circumstances I will not press the fact so as to interfere with the gentleman's argument. [Laughter.]

Mr. TREADWAY. Now, Mr. Chairman, my argument for this amendment is based very largely on two factors. One is the article we find in the House document to which I referred when I offered my amendment—House Document 931, Sixty-third Congress, second session. It contains this statement from the Board of Engineers:

The navy yard located at Charlestown is one of the most important in the country. The strategic conditions are such that in the event of a war with almost any European power of importance a naval battle may be expected off the New England coast. In such an event, however the battle might result, there would probably be a number of crippled ships of the first class coming into the yard for repairs, and some of these, on account of their condition, drawing more than their normal draft.

That is exactly the nature of the argument used by my colleague, Mr. ROBERTS, and it has the official backing of the Chief of Engineers. I am quoting directly from the language used in his report. Then again I referred yesterday to the annual report of the Secretary of the Navy which he made to this Congress on December 15 last.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TREADWAY. I ask unanimous consent, Mr. Chairman, for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TREADWAY. The Secretary of the Navy, in his report submitted to this very Congress on December 15, 1915, uses this language:

It will be the greatest graving dock in the world. When completed it will readily dock the largest war vessels built or contemplated to be built for the future, sufficient in size to receive commercial vessels considerably larger than the giants in the trans-Atlantic Ocean trade.

This monumental work, involving an expenditure by the State of Massachusetts of well over \$3,000,000, while being constructed primarily for the commercial purposes of the port of Boston, will afford the Navy of dry-dock facilities in this most important harbor superior in extent and size to that available at any other American port, and by arrangement give the United States Government prior and paramount use of the dock in time of war.

I think I have quoted that section now three times upon this floor, and I shall be glad to quote it three times three if it will bring home to the minds of our Members here the importance of the proposition I am presenting.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

Mr. TREADWAY. Yes.

Mr. BORLAND. I understand the gentleman is urging this improvement largely as an entrance to the dry dock at Charlestown Navy Yard?

Mr. TREADWAY. There are two facilities. Do not confuse them. There are two of them, the dry dock and the navy yard.

Mr. BORLAND. But in addition to that, it is also a commercial channel, used by the port of Boston?

Mr. TREADWAY. Certainly.

Mr. BORLAND. So that the use of it by the Navy is only one feature that the gentleman is laying some stress on, and in addition to that the port of Boston is largely benefited by the channel being open?

Mr. TREADWAY. Undoubtedly. I said yesterday, Mr. Chairman, that the argument at the present time is not based on the commercial interest. We have the argument for that; but we want here to-day to be put to the test, and the call of the hour is for better preparation all along the line. We must have a bigger Navy, we must have docks at which the vessels can be repaired, and we must have a yard where they can be equipped. Above all, we must have a sufficient depth of water to make use of these facilities. It all goes to make up a part of the preparedness program.

And it is, as I have said several times, largely on that score, rather than on the commercial side, that I present the claims of Boston to this House at this time.

Now, I want to add just one word more about the report of the Secretary of the Navy. Just what did he intend to convey to this House by the report he made to us on December 15? I recognize that it is perhaps not the means by which the executive departments ask for legislation. They go before our committees in the usual process of appropriating for various items. But it does carry with it the weight of the judgment of the Secretary of the Navy in calling to the attention of the House of Representatives various meritorious ideas which he wishes to impress upon the membership in view of their action. What other reason would there be for the Secretary of the Navy spending his time in writing a report if it was not that he wanted his opinion brought before Congress, with an idea of the influence that it would have on congressional action? So I am very willing indeed to leave this case in your hands, realizing what the views of the Secretary of the Navy are and the importance of the immediate adoption of this project for preparedness. [Applause.]

Under permission given to extend my remarks I append the report of the Chief of Engineers and the report of the Board of Engineers and a portion of the survey from the district engineer officer, Lieut. Col. W. E. Craighill:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, April 25, 1914.

From: The Chief of Engineers, United States Army.

To: The Secretary of War.

Subject: Report on preliminary examination and survey of Boston Harbor, Mass.

1. There are submitted herewith, for transmission to Congress, report dated December 11, 1912, by Col. Frederic V. Abbot, Corps of Engineers, and report dated April 4, 1914, with map, by Lieut. Col. W. E. Craighill, Corps of Engineers, on preliminary examination and survey, respectively, authorized by the following item contained in the river and harbor act approved July 25, 1912:

"Boston Harbor, Mass., with a view to securing increased width and depth in the channel from President Roads to the sea; also with a view to providing deep-water connection with such suitable terminals as may be established by the directors of the port of Boston."

The act approved March 4, 1913, provides for an examination of "Boston Harbor, Mass., with a view to securing increased width and depth of channel from Mystic River to President Roads." As this locality is included within the scope of the investigation authorized by the act approved July 25, 1912, and is fully covered by the reports mentioned above, no separate report thereon will be submitted.

2. The existing project for improvement of the portion of Boston Harbor specified in the above-quoted items provides for channels 35 feet deep at mean low water, 1,200 feet wide from the navy yard at Charlestown and the Chelsea Bridge and Charles River Bridge to President Roads, 6 miles, and 1,500 feet wide from President Roads through Broad Sound to the ocean, 1½ miles, at an estimated cost in round numbers of \$7,994,000. This project is nearly completed. The commerce of Boston Harbor is large and important, and a number of deep-draft vessels are engaged in its foreign trade. It appears that several large foreign steamship lines have recently entered the Boston service, and the further improvement of the entrance channels desired is largely to facilitate the movement of these vessels, the existing channel capacities being ample for all coastwise vessels and for the bulk of the foreign carriers. The district officer states that the most important desire of the Boston interests is that the large steamers may load to full capacity in the port itself and sail direct to their destinations abroad without regard to the tide and without touching at any other American port to complete their cargoes. Taking into account the low tides at certain times, the effect of the winds upon the water surface, the presence of ledge rock on the bottom, and the necessity for ample clearance for deep-draft vessels, he reaches the conclusion that the inner channel from the navy yard to President Roads should be given a depth of 40 feet at mean low water over a width of 600 feet covering the southerly half of the present 1,200-foot channel.



This work is estimated to cost \$2,300,000. For the outer or Broad Sound Channel he recommends a depth of 45 feet in the rock section and a nominal depth of 40 feet where the material can be dredged, this channel to be 900 feet wide and to be located along the southeasterly side of the present 35-foot cut, with a slight bend to the eastward at the entrance opposite Finns Ledge. The cost of this channel is estimated at \$985,000. He proposes to do the bulk of the work by contract, but for the prompt and economical execution of the project and for its maintenance after completion he recommends the construction of a self-propelling seagoing ladder dredge, with seagoing tug and necessary dump scows, at an estimated cost of \$560,000, making a total expenditure of \$3,845,000 for work and plant, with \$30,000 annually for maintenance. To this extent he believes the locality to be worthy of further improvement, and in this view the division engineer concurs.

3. These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith, dated April 22, 1914. In connection with its consideration of the subject, the board visited the locality and held a public hearing in Boston on March 19, 1913. For reasons fully explained the board considers it inadvisable to enlarge the present inner channels of Boston Harbor at this time, but it is of opinion that the general project for the harbor should be modified by providing a channel between President Roads and the sea, on the lines recommended by the district officer, 900 feet wide except at the outer end, where it is widened to 1,100 feet, 40 feet deep in general, but 45 feet deep through rock, and the building of a dredging plant, at a total estimated cost of \$1,545,000.

4. After due consideration of the above-mentioned reports, I concur with the views of the Board of Engineers for Rivers and Harbors, and therefore report that the further improvement of Boston Harbor, Mass., is deemed advisable to the extent of providing a channel between President Roads and the sea, on the lines recommended by the district officer and indicated on the accompanying map, 900 feet in width, widening to 1,100 feet at the outer end, 40 feet deep at mean low water in general, but 45 feet deep through rock, and the construction of a dredging plant, at a total estimated cost of \$1,545,000. The initial appropriation should be \$400,000 in cash, with contract authorization for the remainder.

DAN C. KINGMAN,  
Chief of Engineers, United States Army.

REPORT OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS ON  
SURVEY.

[Third indorsement.]

BOARD OF ENGINEERS FOR RIVERS AND HARBORS,  
April 22, 1914.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. The act of July 25, 1912, provides for a preliminary examination of Boston Harbor, Mass., with a view to securing increased width and depth in the channel from President Roads to the sea; also with a view to providing deep-water connection with such suitable terminals as may be established by the directors of the port of Boston. The act of March 4, 1913, provides for an examination of Boston Harbor, Mass., with a view to securing increased width and depth of channel from Mystic River to President Roads. Both subjects are covered by the reports on preliminary examination and survey, submitted herewith, under the act of 1912.

2. The entrance channel to President Roads has been under improvement since 1867 under projects providing successively for depths of 23, 27, 30, and 35 feet. On these channels there had been expended to June 30, 1912, practically \$11,000,000. The total expenditures for the harbor, including tributary streams and auxiliary works, have amounted to something over \$12,000,000. The 23, 27, and 30 foot channels have been completed. The 35-foot project, which provides for a width of 1,500 feet in Broad Sound and 1,200 feet inside of President Roads, was adopted by the act of June 13, 1902, and is nearly complete, there being an available depth of 33 feet, although the work done has not included the removal of Finns Ledge, a detached 25½-foot ledge lying about a mile outside of but in line with the 35-foot channel. The district officer states that if a 40-foot channel is provided by Congress, the best method of disposing of Finns Ledge will be to use it as a foundation for a lighthouse. The range of tides at Boston Navy Yard is from 8.1 feet to 10.9 feet, the mean tide being 9.6 feet.

3. The foreign commerce reported herein has in recent years ranged from about 1,600,000 to 2,000,000 tons, valued at \$190,000,000 to \$200,000,000. There is also a very large coastwise commerce at Boston, but this is carried in moderate draft vessels and does not properly enter into the consideration of greater depths in the channels of approach to this harbor. Several large foreign steamship lines have recently entered the Boston service, and the further improvement of the entrance channels desired is largely to meet this condition.

4. The State of Massachusetts, through the directors of the port of Boston, is doing its part toward the development of the harbor by the creation of an anchorage basin, connecting channels, and extensive terminals, on which and for other improvements there has been expended nearly \$8,000,000 up to the present time, and provision has been made for a further expenditure of about \$7,000,000. It is in connection with the latter that the second item of the act is concerned.

5. The district officer's study of the needs of commerce in the inner harbor, taking into account the low tides at certain times, the effect of the winds upon the water surface, the presence of ledge rock on the bottom, and the necessity of ample clearance for deep-draft vessels, has led him to the conclusion that a depth of 40 feet at mean low water is essential. He has given consideration to a width of 1,200 feet, corresponding to that of the present channel, but concludes that a width of 600 feet will answer the needs of the port for many years to come. The survey covered a channel north of Governors Island, as suggested by the directors of the port of Boston, but the results show that to create a channel here 40 feet deep would be much more expensive than by following the present channel. Moreover, it appears that the proposed terminal developments at East Boston will not be available in the near future, and therefore the channel to the north of Governors Island is not urgently needed.

6. Various estimates are submitted for the outer or Broad Sound Channel covering widths of from 900 to 2,000 feet by slightly different routes and depths of 40 and 45 feet. The investigations of the district officer, which included consultations with experienced navigators, led him to the conclusion that a channel depth of 45 feet in the rock section and a nominal depth of 40 feet elsewhere, with a width of 900 feet, widened to 1,100 feet at the outer end where the channel bends to the eastward of Finns Ledge, will serve the needs of commerce for

the present. For the prompt and economical execution of the project and its subsequent maintenance, the district officer believes a seagoing ladder dredge, with necessary floating plant, is desirable, and he submits an estimate therefor. He recommends the locality as worthy of additional improvement in accordance with the following estimates:

An inner channel 600 feet wide, 40 feet deep, from President Roads to the navy yard.....	\$2,300,000
An outer channel from President Roads to the sea 900 feet wide, with a slight bend at the outer end, and 1,100 feet wide at the entrance east of Finns Ledge, 45 feet deep through rock and of sufficient depth to insure safe navigation at mean low water for vessels requiring 40 feet draft in the inner harbor.....	985,000
Dredge with seagoing tug and dump scows.....	560,000
Total.....	3,845,000

His estimate for the maintenance of the project is \$30,000 per annum. The division engineer concurs in the views and recommendations of the district officer.

7. In addition to the information secured through the reports on preliminary examination and survey the board held a public hearing in reference to this subject in the city of Boston on March 19, 1913, which was largely attended by representatives of the principal interests concerned. It appears that the needs of the city of Boston have, up to the present time, outgrown successively the various projects adopted for the entrance channels, and arrangements have recently been made with some of the more important trans-Atlantic lines to engage in service at this port, using large and deep-draft vessels, for which an increase in depth is considered necessary. It is claimed that out of a total of 172 vessels in existence in 1911-12 having a length of 500 feet or over, 275 were in the Boston trade, and 4 others over 600 feet in length had been contracted for. These vessels draw from about 30 feet up to 34 feet. Stress was laid upon the fact that Boston has an advantage over New York in that it shortens the trip to European ports by 190 miles, a matter of particular importance to the passenger service.

8. It is quite clear from the data presented that the present entrance channels at Boston Harbor have ample width, and that the additional depth desired is merely to enable a few large trans-Atlantic passenger boats to sail fully loaded without reference to the tide. The European ports for these same boats do not generally have as great low-water depth as that already provided at Boston. A change of not exceeding three hours from a fixed time of departure would apparently enable the largest of these boats to sail without any difficulty. It is not believed that the resulting inconvenience would be sufficient to warrant the large initial expenditure of nearly \$4,000,000 to prevent it.

9. On the other hand, it is apparent that on account of the exceptional exposure of this locality a somewhat greater depth is necessary in the outer channel from President Roads to the sea in order to give it a capacity equivalent to that of the inner channel, and the board believes that a depth of 40 feet is required for this purpose. Moreover, in giving the depth of 40 feet it is considered advisable to remove ledge rock to a depth of 45 feet, as the additional expense involved is not very large. The board therefore concurs with the district officer and the division engineer in recommending the outer channel proposed by the district officer, except that the general project depth should be limited to 40 feet. The board also concurs with the district officer and the division engineer in the opinion that it is of great importance to provide the Government dredge.

10. In conclusion, therefore, the board considers it inadvisable to enlarge the present inner channels of Boston Harbor at this time, but it is of opinion that the general project for the harbor should be modified by providing a channel between President Roads and the sea, on the lines recommended by the district officer, 900 feet wide, except at the outer end, where it is widened to 1,100 feet, 40 feet deep in general, but 45 feet deep through rock, and the building of a dredging plant, at a total estimated cost of \$1,545,000. The initial appropriation should provide the sum of \$400,000 in cash and contract authorization for the balance.

11. The board concurs with the district officer and the division engineer in the opinion that a lighthouse on Finns Ledge is essential to properly mark the entrance and give reasonable safety to navigation.

12. In compliance with law, the board reports that there are no questions of terminal facilities, water power, or other subjects so related to the project proposed that they may be coordinated therewith to lessen the cost and compensate the Government for expenditures made in the interests of navigation.

For the board:

W. M. BLACK,  
Colonel, Corps of Engineers,  
Senior Member of the Board.

SURVEY OF BOSTON HARBOR, MASS.

WAR DEPARTMENT,  
UNITED STATES ENGINEER OFFICE,  
Boston, Mass., April 4, 1914.

From: The District Engineer Officer.  
To: The Chief of Engineers, United States Army  
(Through the Division Engineer).  
Subject: Survey of Boston Harbor, Mass.

1. In compliance with instructions in your letter dated March 27, 1913, the following report is submitted on the survey of "Boston Harbor, Mass., with a view to securing increased width and depth in the channel from President Roads to the sea; also with a view to providing deep-water connection with such suitable terminals as may be established by the directors of the port of Boston."

These instructions were accompanied by the following recommendations of the Board of Engineers for Rivers and Harbors of March 24, 1913:

"2. It is recommended that estimates be prepared for depths of both 40 and 45 feet, and widths of 1,200, 1,500, and 2,000 in the outer channel; and for a depth of 40 feet and widths as suggested by the district officer in the inner channel."

The Chief of Engineers directed that these recommendations be complied with.

2. The channel is divided into two parts, viz, from the bridges at the head of the harbor to President Roads, about 5½ miles, and from President Roads to the sea, which is, to the outer end near Finns Ledge by the present deep-draft channel, about 3 miles. It is necessary first to consider and fix the depth required in the channel from the city to President Roads, which will be designated as the inner channel. Three controlling features are present, (a) the needs of deep-sea traffic using the port, (b) the new dry dock being built with

State funds and the State terminals at South Boston, and (c) the navy yard at Charlestown. On October 16, 1912, the Acting Secretary of the Navy advised the Secretary of War of the following recommendation of the General Board, which had been approved by the Navy Department:

"The General Board recommends that channels leading to all the first-class docking, repair, and supply yards be dredged to a depth of 40 feet at mean low water and to a least width of 750 feet, and greater if practicable."

(a) The needs of the deep-sea traffic would require the extension of the channel to the upper harbor, where are located the White Star, Allan, Red Star, and other trans-Atlantic lines. The expense to the United States to meet the needs of such commerce would be lessened by requiring all lines to establish themselves in one neighborhood, and efforts to this end are being made. For the present study, however, it is not a material matter, as if the channel is to go to the navy yard the commercial docks of deep draft at the upper end of the inner harbor would be similarly benefited. The most important desire of the Boston interests is that the large steamers may load to full capacity in the port itself and sail direct, without regard to the tide, to their destination abroad, without touching at any other American port to complete their cargoes. The advantages of this manifest and the commercial statistics indicate that full cargoes can be offered. A vessel capable of loading to 34 feet, which has to go to sea drawing only, say, 31 feet, loses the most profitable part of the voyage. The additional 3 feet draft in vessels of the type under consideration would carry practically one-third more cargo, with comparatively little increase of cost to the carrier. Boston is the commercial center of New England, and with proper facilities can draw both export and import business from and to the most important manufacturing States in the country, which are near it, without regard to its business with the Middle West. It has exceptionally good facilities at both State-owned and private terminals for transferring freight from rail to vessel and vice versa, as no lighterage is required. In this respect it is superior to New York, and I have been told by the Chicago agent of one of the most important trans-Atlantic lines that Boston is preferred by his company for this purpose. The largest class of steamers now coming to this port are capable of loading to depths of 33 to 34 feet; when under way in shallow water, even at the moderate speed required for steaming, they no doubt settle as much as 3 feet more at the stern.

Twice a month, when the spring tides occur at the sailing hour, there may be 1 to 3 feet less than the present mean low-water depth. A list of predicted tides in excess of 1 foot below mean low water at Boston, from Coast Survey Tide Tables, 1913, is appended. (Not printed.) These do not take into account the effect of the wind, which at not infrequent intervals produces low tides in the inner harbor five-tenths to 1 foot below the predicted normal. This effect of the wind naturally grows less as we approach the open sea. My conclusion is that it is reasonable to say that 40 feet is desirable in the inner harbor for the commercial interests of the port, this margin being no more than is reasonable to allow under the ship's bottom to make her steer properly. Added to this are the uncertainties of maintaining any deep channel within a foot or two of the project, or even of knowing whether or not the depths exist to within this limit. The danger of too narrow a margin between a vessel's keel and the bottom is a more than usually serious consideration in Boston Harbor because of the presence of ledge rock bottom over large areas. The above remarks in this paragraph are based on vessels drawing 34 feet, the deepest draft now used or under contract for use in Boston Harbor, but many of the newer steamships are being built to load to as much as 37 feet. There is no reason why these steamers may not later come into Boston, if not within a few years on account of the commerce of the port, at least for dry-dock accommodation. I am informed that the *Aquitania*, *Mauretania*, *Lusitania*, and *Imperator* are unable to dock anywhere on this side of the Atlantic. Any one of them could readily be accommodated in the dry dock now building at South Boston.

(b) The dry dock is the nearest to the sea of the three points to be reached for the purposes named above. It is being built to have 35 feet on the sills, and could at normal high tide dock vessels of perhaps 43 feet draft. This indicates that they are providing for at least 40 feet draft. This is also the depth being provided at the State terminals at South Boston and Commonwealth Pier No. 1, East Boston, in the slips and approaches.

(c) The navy yard located at Charlestown is one of the most important in the country. The strategic conditions are such that in the event of a war with almost any European power of importance a naval battle may be expected off the New England coast. In such an event, however the battle might result, there would probably be a number of crippled ships of the first class coming into the yard for repairs, and some of these, on account of their condition, drawing more than their normal draft.

Mr. SPARKMAN. Mr. Chairman, I hope this amendment will not be adopted. There is really no excuse for it at this time that could not be urged in favor of many other projects that we are leaving for another bill. This is essentially a new project—one of a class that we have excluded from this bill, with one single, solitary exception. That exception is the East River project. I may say, further, that this project is not on all fours with that by any means. There was one overpowering reason for the insertion of that project in this bill, namely, the letter expressing the conviction of the President that it should go in as a part of the national-preparedness plans to come up before Congress at this session.

Mr. TREADWAY. I should like to ask the chairman of the committee whether, if a similar communication had been asked for and secured from the President in behalf of the Boston project, he would then consider it overwhelmingly necessary to put it in the bill?

Mr. SPARKMAN. If, in addition to such a request from the President, the proper naval officers had come before us, as in the East River project, or in any other way had assured us that they needed this improvement in the interest of the Navy, and that its improvement was urgent, of course, we would have included it in the bill.

But they have not done that; on the contrary, they have practically said it was not urgent. Admiral Benson, in speaking of the importance of Boston as a navy yard, says in a letter to myself:

Referring to our conversation over the telephone—

This letter was written on March 4—

and to more fully state the situation with regard to the navy yards and channels on the eastern coast of the United States, I think it well to inform you that the only navy yard on this coast now fitted for building battleships is the one at New York, which emphasizes the necessity for deepening the channel to that yard.

A little further on and with reference to the Boston yard he says:

The Boston yard has one building slip on which an 8,500-ton ship is being constructed and will be completed probably this year. It would be necessary, in order to build battleships at this yard, to construct an entirely new building slip, and it is not believed desirable to do this at that yard.

We therefore see that, so far as the Government dry dock is concerned, there is no necessity for its improvement. It is urged here, however, that, while it is not needed for that purpose, it is necessary on account of the fact that the State of Massachusetts proposes very soon to erect—

Mr. TREADWAY. Is erecting—

Mr. SPARKMAN. Is erecting and will have constructed within the next three or four years a dry dock capable of accommodating battleships. But that yard is not now ready, is only under construction, and will not be completed for three or four years. Now, if this Congress adjourns, we will say, on the 30th of June—I can not tell as to that—

Mr. TREADWAY. We will pray for that.

Mr. SPARKMAN. Or it may be in July or August, or whenever it is, only a very few months will elapse before we will have another river and harbor bill. Then this particular project can, no doubt will, come before the Committee on Rivers and Harbors, where it will be duly considered, and, if it has the merits that our friend from Massachusetts says it has, it will most assuredly be adopted. I am not, however, making any promises just now.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SPARKMAN. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. I know something of this project, having read and studied it very carefully. The work recommended begins 6 or 7 miles from the city of Boston and covers the stretch of channel known as Presidents Roads, a channel about a mile and a half in length. It is the outer channel from Boston, leading into deep water in the Atlantic Ocean. They have 35 feet of water there now, with a 9 or 10 foot tidal rise, which affords 45 feet at high tide, or an available depth of 40 feet. That tide carries the same depth up to the city of Boston and to the navy yard they are now constructing there, so if the plant was finished and ready now I would not consider it as presenting an urgent case by any means; certainly not such a case as would justify an exception to our rule as to new projects. New York, with the greatest navy yard on the Atlantic seaboard, capable of accommodating the largest battleships that we propose to build, has only 30 feet of water.

Mr. MADDEN. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Illinois.

Mr. MADDEN. Is not the gentleman mistaken about the depth at New York. Is it not 40 feet?

Mr. SPARKMAN. Oh, no; not up to the navy yard. It is only 30 feet.

Mr. HULBERT. Twenty-six feet.

Mr. SPARKMAN. The gentleman from New York [Mr. HULBERT] says only 26 feet. Whatever the depth is, it is not sufficient to admit these large battleships to the navy yard except at high tide. But I am not going to discuss that particular feature now. We will reach that later.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. Has the committee had before it any other new project like that at the port of Boston which it declined to consider?

Mr. SPARKMAN. We have had many projects before us, 150 in number.

Mr. MOORE of Pennsylvania. Were there any other navy-yard projects like that at Boston before the committee?



Mr. SPARKMAN. Yes; there was a navy yard brought to the attention of the chairman of this committee by the President some time ago, with the request that it be given consideration by the committee. That was the navy yard at Charleston, S. C.

Mr. MOORE of Pennsylvania. I want the gentleman to explain whether any other ports have made similar requests like that of Boston.

Mr. SPARKMAN. Yes; both Norfolk and Charleston. Now, Mr. Chairman, a word in regard to the work the State of Massachusetts is doing in the matter of developing her rivers and harbors. She is doing well along that line. Few, only two or three others, if any, are doing as well, and they are on the Pacific coast. But that should not influence us in this matter. The question here is whether we want to include in this bill another new project, one not in the same class with the ones we have included. There is no excuse and no reason for it, and I hope the amendment will not be adopted.

Mr. HUMPHREY of Washington. Mr. Chairman, this item under consideration differs from the New York item in one respect only, and the chairman of the committee has told you what that respect is. The only mistake the gentlemen from Massachusetts made who are in favor of this amendment was that they did not go to the White House and get its indorsement. In every other way it is equal with New York, except that it is better because they are going to have a larger dock. The truth about the matter is there is no emergency in either proposition. It is simply an attempt to take advantage of this general proposition of preparedness to get some money that otherwise they could not get. That is all there is in either one of the propositions. Notwithstanding what the gentleman from New York said, that I insinuated that he was playing politics, I assure the committee that I would not accuse the gentleman from New York under any circumstances of playing politics. [Laughter.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. FITZGERALD. The gentleman did not do me the honor to pay close attention to my remarks. I did not charge the gentleman with intimating that I was playing politics. What I resented was the intimation that the President of the United States, according to the gentleman from Washington, would stoop to request Congress for money for an improvement for national defense, merely as a subterfuge, when he was, according to the gentleman, seeking political advantage. I do not think it was worthy of the gentleman from Washington to make such a charge as that against the President, and to represent him to be doing an ordinary "fence-repairing job" that the gentleman from Washington and myself might indulge in without much criticism.

Mr. MANN. Which the gentleman from New York was, in fact, indulging in. [Laughter.]

Mr. FITZGERALD. Oh, no; I am a fence demolisher and not a fence repairer. [Laughter.]

Mr. HUMPHREY of Washington. Of course the gentleman from New York would not indulge in playing politics. I would not make that assertion on the floor of the House or anywhere else. If the gentleman from New York had read the rest of the report that he had in his hand—

Mr. FITZGERALD. I intend to put it all in the Record, as well as my letter from which the gentleman quoted one sentence.

Mr. HUMPHREY of Washington. That one sentence was enough; I did not want to incorporate the rest for fear that some one would accuse him of playing politics. If the gentleman had read a little further in the report, he would have found these words:

It should, in fairness to the President, be stated that the presentation of the matter to him was entirely ex parte, and he was undoubtedly misled as to the facts and no doubt believed that an emergency really existed. But the majority of the committee can have no such excuse for their action. They had all the facts before them, and they knew that there was no existing reason justifying the inclusion of this item in the bill. In fact, the only defense made of the item was that the President desired it.

And that is the only defense made of it now. That was the defense that the chairman of the Rivers and Harbors Committee just made.

Mr. SPARKMAN. I want to say that that was the one proposition—not the overpowering reason, but the very great reason why we took it on, and I couple with that the explanation that Admiral Benson, from the navy yard, made as to the importance of the work.

Mr. HUMPHREY of Washington. The explanation Admiral Benson made absolutely demonstrated that there was nothing in the proposition at all.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Without objection, the gentleman's time will be extended five minutes.

There was no objection.

Mr. HUMPHREY of Washington. Now, gentlemen of the committee, I am not saying anything that I think I ought not to say as to what occurred in the committee. I think it appears in the report, but the truth about it is that there is not a man on that committee that would have voted for this item except the gentleman from New York [Mr. HULBERT] if it had not been for the letter, not from the President, but from his secretary, and I would not accuse the secretary of playing politics any more than I would accuse the gentleman from New York.

Here is what happened: We went through the bill and took on no new items. The President had intimated that on account of the condition of the Treasury, as I understood it, we should not take on any new items. I was one of the Members who was in favor of taking on the new items. I believed this New York project ought to be put in the bill on a commercial basis, but it was no more emergency than many other items. But after we had done that, after we had gone through the bill, too late to get on any other item, then comes this letter from the President's secretary saying there was this emergency. I have respect for the President. We took it up, went into it and investigated it, and the investigation showed that there was no emergency whatever in regard to it. My distinguished friend from Missouri, Judge BOOHER, when Admiral Benson was before the committee, asked the question if there was not the same condition existing in all of the navy yards on the Atlantic coast, and his reply was substantially "yes." He said the same condition existed at Philadelphia and Norfolk and a worse condition at Charleston, S. C. So there was no emergency, and this talk that my friend from Massachusetts made—

Mr. HULBERT. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. HULBERT. Did not Admiral Benson state that there was sufficient water at Boston for the accommodation of the largest vessel of the United States Navy?

Mr. HUMPHREY of Washington. I do not know.

Mr. HULBERT. Did he not state that there was sufficient water in the Delaware River for the accommodation of the largest vessel in the United States Navy?

Mr. HUMPHREY of Washington. Yes. I do not want to be interrupted any more.

Mr. HULBERT. The gentleman yielded to me for a question.

Mr. HUMPHREY of Washington. Is the gentleman through with his question?

Mr. HULBERT. No; I am not.

Mr. HUMPHREY of Washington. Then state it.

Mr. HULBERT. What does the gentleman mean, then, by stating that the conditions at all of these navy yards along the Atlantic coast are the same?

Mr. HUMPHREY of Washington. I meant just exactly what Admiral Benson said, and I quote from the hearings:

Mr. BOOHER. That navy yard is open at all times?

Admiral BENSON. You would have to go up the Delaware, and you have to take it at practically high water. It is the same thing at Norfolk. You would want the high water, because the channel at Norfolk is very restricted, and at present it is too narrow to turn one of our big ships.

Mr. BOOHER. Then the navy yards all along the Atlantic coast are practically in the same condition as the one at Brooklyn is—the harbor conditions are practically the same?

Admiral BENSON. I do not know. I do not think so, sir.

Mr. BOOHER. You say you have got to wait for high water if you take the Buttermilk Channel? What is the difference in the channel there and at the other navy yards?

Admiral BENSON. The conditions are practically the same in that respect—that you have to wait for high water; but at Norfolk, for instance, I think the later ships coming out will have considerable difficulty in turning.

And that is the only thing that has ever been contended for the New York yard, that sometimes they have to wait for high tide in order to get in there. That is the testimony of Admiral Benson, and the testimony further shows that there are from 20 to 30 minutes in the day when they have extremely low water, and it is troublesome for a battleship to go up the channel. Not only that, but I call attention to the fact that Admiral Benson testified that during the year—now, listen to the great emergency for making the exception, the great exception—on an average 20 battleships go up to the New York Navy Yard, and the emergency is that there are 30 minutes in the day when these 20 battleships making these 20 trips could not get up to the channel.

Mr. SMALL. Mr. Chairman, this amendment putting in the bill a new project for Boston can not be adopted without doing a great injustice to a great many other projects throughout the country which have received favorable reports and which are also clamoring to be included in the bill. Boston is a great port for commerce and for other reasons, and the directors of the

port of Boston have constructed wonderful terminals and a great dry dock, but these are not decisive of the question. The amendment is to add a new project to this bill. What is the project? There was authorized by Congress in the act of 1912 an examination and survey with a view to increase the width and depth from President Roads to the sea, and also to provide deep water in connection with such suitable terminals as may be established by the directors of the port of Boston. Here is a project which was favorably reported, and I have the map before me. The report says that no further improvement is needed from the navy yard for 6 miles down the harbor to President Roads, but they do recommend that from President Roads to the sea, a distance of 1½ miles, they have an increased depth from 35 to 40 feet, and an increased width at the outer edge. That is the project which is sought to be included in the bill, so that if the project is adopted you get no deeper water from the navy yard to President Roads, a distance of 6 miles, than exists at the present time. Boston already has been generously provided for. They have 35 feet from Chelsea Street Bridge and Charles Street Bridge and from the navy yard down to the sea.

There is no other harbor in the United States which has a greater depth by improvement than 35 feet, except the harbor of New York, and that only on the North or Hudson River side. The navy yard is on the East River side, and the proposed East River project has reference to that.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. SMALL. In a moment. When they get to this East River project, the project asked to be adopted is for 35 feet, the same as Boston has at the present time, leading up to the navy yard, and I may say at the same time that there is no harbor in the United States having a navy yard that to-day has a depth of more than 35 feet by improvement leading to it.

Mr. SULLOWAY. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Oh, at Portsmouth the depth was natural and they did not get it by improvement. The same is true of Puget Sound. I am talking about channels improved by dredging. There is no improved channel leading to any navy yard in the United States that has more than 35 feet, and Boston has that depth already. So the chairman of the committee is right. There is no emergency about it. You can not adopt this project without doing a grave injustice to many other projects upon which favorable reports have been made.

Mr. BENNET. Mr. Chairman, without particular reference to this particular Boston project, I think it is due to my colleague [Mr. FITZGERALD] that the proposition that this is a political matter aimed at reconciling the Democratic Representatives from New York City with the President be refuted by a Republican from the city of New York.

Mr. HUMPHREY of Washington. The gentleman is the first one who has mentioned that.

Mr. BENNET. Oh, that is the report, and that is the purport very largely of the attack on my colleague. The facts are these, that at the beginning of the Congress two or three of us introduced bills covering this whole East River project, and along about the 1st of January we held a meeting of the delegation from New York City, to which the entire 24 were invited, which meeting was attended by more than a majority, irrespective of politics. Our colleague [Mr. FITZGERALD] was elected by the voice of his colleagues chairman of our city delegation, and while there was no formal vote taken, there was an expression of the sense of all of us that both he and Mr. HULBERT, who represented our city on the Committee on Rivers and Harbors, should use every reasonable effort to get this particular project in whole or in part in the bill. There were no politics in it. If any politics have been injected into it, I unwittingly am the guilty party.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. LONGWORTH. Is it the deliberate judgment of the gentleman that this is in the interest, necessarily and properly, of adequate national defense?

Mr. BENNET. Yes.

Mr. LONGWORTH. Then I am for it; I do not care how much Democratic politics there is in it.

Mr. TREADWAY. Does the gentleman from Ohio understand the project the gentleman is discussing? My amendment is for Boston Harbor.

Mr. LONGWORTH. I was talking about the New York project.

Mr. BENNET. It is in the interest of adequate national preparedness and adequate defense, and it seems to me that the President of the United States, as Commander in Chief of the Navy, is not at all to be criticized when he favors this

exception to the rule at the request of the united voice of the Republican and Democratic Representatives from the city of New York.

We demand the whole project if we can get it, but we are glad to get part, if not more.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HUMPHREY of Washington. The gentleman says this is in the interest of preparedness. I trust the gentleman will say why. Admiral Benson did not say.

Mr. BENNET. When we get to our amendment, if there is opposition, I do not want to take up the time on the Boston amendment to do that.

Mr. GILLET. Will the gentleman yield for a question?

Mr. BENNET. Yes.

Mr. GILLET. Will the gentleman say how many Republicans there were in the 24 Representatives from New York City?

Mr. BENNET. Oh, I regret there are not more.

Mr. GILLET. But how many are there?

Mr. BENNET. Out of 24 there are 7.

Mr. MOORE of Pennsylvania. They are united?

Mr. BENNET. Absolutely united.

Mr. MADDEN. The gentleman stated that a majority of the 24 were present. How large a majority of the Republicans were present?

Mr. BENNET. My recollection is every one of the 7 Republicans were there, and my recollection is there were something like 19 of the 24 present.

Mr. GREEN of Iowa. I would like to ask if there ever was a time when all of the Representatives of the two parties from the State of New York have not been able to unite on an appropriation for New York Harbor?

Mr. BENNET. Never, because the appropriations for New York Harbor have been always correct and proper.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chairman announced that the yeas seemed to have it.

On a division (demanded by Mr. TREADWAY), there were—ayes 29, yeas 80.

So the amendment was rejected.

Mr. TREADWAY. Mr. Chairman, I desire to ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

The Clerk read as follows:

Merrimack River, Mass.: For maintenance, \$10,000.

Mr. ROGERS. Mr. Chairman, I move to amend by adding the letter "k" to the word "Merrimack," in line 18.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 18, add the letter "k" to the word "Merrimack."

Mr. ROGERS. Mr. Chairman, I have been struggling since coming to Congress to have the name of the Merrimack River, on the banks of which I live, correctly spelled. The Government Printing Office seems to have a distinct aversion to spelling it as the Indians, who gave it its name, intended, and insists on habitually omitting the final "k." About three months ago the Geographic Board of the United States was asked for a ruling upon the correct spelling of the name of this river; under date of January 5 they handed down a ruling that it should be spelled with a final "k." The Geographic Board, as I need not remind Members of the House, is charged with the duty of passing upon the spelling of doubtful geographic names. I quote from the current Congressional Directory, page 340, a paragraph defining the duties of the board:

The board passes on all unsettled questions concerning geographic names which arise in the departments, as well as determining, changing, and fixing place names within the United States and its insular possessions, and all names hereafter suggested by any officer of the Government shall be referred to the board before publication. The decisions of the board are to be accepted by all the departments of the Government as standard authority.

I suppose there will be no disposition on the part of this House to question that ruling or to decline to acquiesce in saying that the word "Merrimack" shall hereafter always be spelled with the final "k." I am ambitious, Mr. Chairman, I will say, to be known in Massachusetts and New Hampshire as the man who anchored the "k" in the "Merrimack" River.

Mr. MANN. Has this amendment the approval of the simplified-spelling faddists?



Mr. ROGERS. If I can get their approval, I will place it in the RECORD. I ask the chairman of the committee if he will accept the amendment?

Mr. SPARKMAN. I will say that if that is the way this river ought to be spelled I have no objection.

Mr. SIMS. Mr. Chairman, I desire to oppose the amendment, unless the gentleman says it is done in the interest of national preparedness. We are not asking for anything that does not include national preparedness.

Mr. MANN. Does not the gentleman think it will be harder to get up the river if it has the "k" in it?

Mr. ROGERS. The change will make the river longer and bigger. It ought to help navigation on it. So the amendment comes within the requirements of the exacting gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. ROGERS), there were—yeas 65, yeas none.

So the amendment was agreed to.

Mr. GREENE of Massachusetts. Mr. Chairman, I desire to submit a few remarks in relation to an item which has been passed in reference to Pollock Rip Channel, Mass.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Chairman, I did not obtain an opportunity to engage the attention of the Chair before the item had been passed.

The item in regard to Pollock Rip Channel is one that has been provided for by an appropriation in every river and harbor bill since 1911 but the item has been rejected in the Senate on account of some extraordinary demand from all-powerful Senators during 1914 and 1915. This matter of the improvement of Pollock Rip Channel is a subject that has been discussed by vessel owners and by maritime interests along the entire Atlantic coast for many years.

It had the opposition of engineers of the United States for several years, until finally, after the matter was presented before the Rivers and Harbors Committee and after a hearing at Newport, R. I., at which the maritime interests of the Atlantic coast were represented, reasons were given by master mariners, mates, and pilots who had traversed the coast on the southerly side of Cape Cod in Vineyard and Nantucket Sounds which convinced the engineers that there was an opportunity to make an improvement on the important shoals in the Pollock Rip Channel which would provide safety in the means of navigation, which would guarantee greater protection to human lives and better security to owners of vessel property and to the owners of valuable cargoes, which had long been menaced by lack of a direct channel of suitable width and depth through this important waterway. Pollock Rip Shoal is located about 60 miles from Boston. It has two distinct angles in it, and it is made very hard for navigation, one of them with 90 degrees radius and the other with 70 degrees radius, in line for a course that makes it distinctly dangerous for vessels navigating this most dangerous coast. Finally, after the presentations made at the hearing to which I have referred, the engineers made a preliminary examination in order that they might obtain information upon which they could make a report to the Congress as to the necessity of this important improvement to navigation. As a result of this examination and report an appropriation of \$125,000 was made, which was included in the river and harbor act of 1912, and the appropriation of a second sum of \$125,000 was included in the act of 1913.

The dredger *Navesink* was sent to Nantucket Sound for the purpose of demonstrating by means of a thorough examination and persistent work that two dangerous shoals, known as Bearse and Stone Horse Shoals, which had been referred to as an impediment in the channel, were assemblages of large-sized gravel stones, almost the size of paving stones, and that they could be removed and would be useful in defining definitely the line of the proposed channel. The proposed depth of the channel was to be 30 feet and the proposed length of it was to be 7 miles and the proposed width was to be 1 mile. Thus the usefulness and importance of the proposed improvement was made apparent.

There has been nothing done upon this important channel during the last two years, and it was thought by some of the engineers, before any work was begun, that it would be impossible to maintain a definite channel through that part of Vineyard Sound, which was so tortuous and which had so many sloughs and shifting sands in it, and that it would be impossible to main-

tain either a depth or width of channel urged by the proponents of the improvement; but the advocates claimed if the channel was made of suitable width and depth, and if it were constructed in the direction of the wind and tides passing through the channel the expense and improvement would be fully justified. It appears from the report made and submitted to Congress on the 21st of January of the present year that the work which was done two years ago has given a depth of 46 feet for a part of the channel and not less than 30 feet where the work has been completed. The fact that the work done has not deteriorated during the last two years clearly demonstrates the usefulness of the work done, the permanence of the channel and its importance to the maritime interests of the entire Atlantic coast.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Without objection, it is so ordered.

Mr. GREENE of Massachusetts. Mr. Chairman, the importance of this channel that I call to your attention is emphasized in a report that is submitted here, showing the commercial statistics of the channel.

I want to say further that this channel has no local bearing. It is a channel that affects the commerce of the entire Atlantic coast. In fact, the map that was presented here by the gentleman from Pennsylvania [Mr. MOORE] this afternoon showed the entire Atlantic coast that would be benefited by the improvement of the Pollock Rip Channel that is proposed to be made. I will read a portion of the commercial statistics presented by the engineers. I read:

It is estimated that a commerce of over 20,000,000 short tons annually will be benefited greatly if it be practicable to construct and maintain the proposed channel. It is impracticable to estimate the value of the commerce passing through this locality. During the calendar year 1914 the following vessels are reported as having passed the Pollock Rip Shoal Light Vessel: Steamers, 6,160; sailing, 4,380; barges, 7,698.

That makes in all 17,238 different vessels passing through that important channel during the year 1915. I think these facts alone clearly demonstrate the usefulness of the channel. I believe that it is a very wise appropriation, and I trust that the money will be expended, if this appropriation meets with the approval of the other branch of Congress, in such a way as will demonstrate more fully the real advantage which this channel, which has been such a menace to navigation for a very long period of time, will be to future ages. [Applause.]

Mr. Chairman, under authority granted me to extend my remarks, I append extracts from the reports of the United States Engineers which give useful information regarding this improvement:

#### POLLOCK RIP SHOALS, NANTUCKET SOUND, MASS.

Location: Pollock Rip Channel is the northerly passage through the shoals off the eastern entrance to Nantucket Sound, connecting the deep water of the sound with that of the ocean. It is about 26 miles east from the harbor of Vineyard Haven on the island of Martha's Vineyard, Mass., and 60 miles south from Provincetown Harbor, at the northern extremity of Cape Cod.

Present project: The present project, adopted by the river and harbor act of July 25, 1912 (H. Doc. No. 536, 62d Cong., 2d sess.), provides for experimental dredging on the shoals, using an available Government-owned plant under appropriations aggregating \$250,000, with a view to determining the amount of improvement, if any, which may be advisable. The mean range of the tide is about 3.7 feet at Mononomy Point.

Conditions at the end of fiscal year: The present project, which provides for experimental dredging, is completed, and it has been demonstrated that a dredge of the type used is well adapted to the conditions that obtain in the locality and to the material to be handled. In the vicinity of Stone Horse Shoal the increased width of channel at a point where there is a sharp bend in the existing sailing course has been immediately beneficial to navigation. The increased depth obtained at the eastern end of the channel has not been utilized by commercial vessels, but would be of great importance in the event of further prosecution of this work. The total expenditures under the present project has been \$220,431.42, all of which were for original work.

Local cooperation: None.

Effect of improvement: The effect of the improvement on freight rates, if any, will not be known until the improvement is completed, but the widening of the channel near the Shovelful Light Vessel has made the sharp turn in the sailing course somewhat easier.

Proposed operations: Further operations await the action of Congress.

Since the close of the last fiscal year, and on January 21, 1916, the Chief of Engineers has forwarded a report of the Board of Engineers for Rivers and Harbors in response to resolution dated January 18 of the present year, asking whether, in its opinion, any further improvement of the locality within the scope of the project contemplated in said report is justified by the commercial interests involved, and if so whether the results obtained by the work authorized by the river and harbor act approved July 25, 1912, have been sufficient to determine the extent and character of the improvement to be further undertaken. The report recommends legislation authorizing the permanent transfer of the dredge *Navesink*, or such other suitable dredge as may be available, and an annual appropriation of \$150,000 for its operation and upkeep in carrying the improvement along the general lines indicated by the district officer. Following is the recommendation of the board and that of the district officer, to which reference is made.

Recommendation of the Board of Engineers for Rivers and Harbors: "The board concurs in general with the views of the district officer and the division engineer, but it believes that the construction of a new dredge is not advisable, as it understands that the dredge *Navesink* can be spared permanently for this work and can perform the desired service effectively. The navigation interests involved are of great importance and they earnestly desire the continuance of the work. It is believed that the results have been sufficiently encouraging to warrant the expense involved. Experience indicates that with the dredge *Navesink* this work could be carried on at an annual cost of not exceeding \$150,000. The board therefore recommends legislation authorizing the permanent transfer of the dredge *Navesink* or such other suitable dredge as may be available to this work without charge, and an annual appropriation of \$150,000 for its operation and upkeep in carrying on the improvement along the general lines indicated by the district officer.

"For the board:

"W. M. BLACK,  
"Colonel, Corps of Engineers,  
"Senior Member of the Board."

Recommendation of the district officer:

"(a) That it is not practicable to produce and maintain by dredging operations the proposed mile-wide channel with a clear depth of 30 feet, as defined by the lines originally projected.

"(b) That it is doubtful if it will be found practicable to make and maintain a similar channel within modified limits in this locality as a permanent improvement, owing to the shifting nature of the material of the shoals, the effects of storms and currents, and the absence of natural material tendencies to preserve a channel of that depth and width.

"(c) That it will be practicable to render great assistance and benefit to a very large and important commerce by providing a suitable dredging vessel to be assigned to duty at the shoals for an indefinite period. The general duties of such a vessel would be to keep constantly in touch with the location of the best channel, the tendencies of changes in the effects of the natural scour and wave action, and to assist the natural agencies wherein their tendencies are favorable to improvements in the location and depth of the navigable channel. The regular presence of such a vessel would insure that passing ships would know where the best water is and would insure against disaster or accident resulting from rapid changes. She would show the way to passing vessels and contribute to the beneficial effects from increased scour which it is believed by those having local experience would result from regulated use of any new channel. Just at present, if the appropriation would permit, a dredger would render valuable service by assisting the natural tendency to scour in the east end of the new channel and in removing the extending shoal near buoy 3A.

"JOHN MILLIS, Colonel, Engineers."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Thames River, Conn.: For maintenance, \$9,000.

Mr. FREEMAN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FREEMAN: At the end of line 25, at the bottom of page 2, add the following: "For improving the harbor at New London, Conn., in accordance with the report submitted in House Document 613, Sixty-third Congress, second session, and subject to the conditions set forth in said document, \$170,000."

Mr. FREEMAN. Mr. Chairman, notwithstanding the untimely fate of the Boston project, I feel it my duty to offer this amendment. This amendment is identical with a provision in the bill of 1914, which was favorably reported by the Committee on Rivers and Harbors and successfully passed the House.

Only under a strict construction of the rule regarding new projects can this be considered a new project. But whether it is or not a new project, I hold that the good faith of the United States is involved in the passage of the amendment I have proposed.

At the very beginning of this matter, when the State of Connecticut took up the improvement of New London Harbor, she invited the cooperation of the Federal Government; but the matter did not go very far before the Federal Government demanded as a condition precedent the expenditure of \$1,000,000 by the State of Connecticut. As I pointed out yesterday, various reports were made, and the proposition was approved by the division engineer, the district engineer, the Board of Engineers, the Chief of Engineers; submitted to the House, approved by the committee, and passed the House. Then the State of Connecticut began to expend this money. She has spent nearly all the \$1,000,000. She has erected a modern pier 1,000 feet long. She has dredged the channel to a depth of 35 feet, to meet the Government channel, which still remains but 26 feet in depth. So that unless this amendment prevails, the sole object of the State of Connecticut in spending \$1,000,000 for harbor improvements in order to accommodate ocean-going traffic is entirely lost.

No Member of the House, least of all the distinguished chairman of the Committee on Rivers and Harbors, has had aught to say save words of praise and commendation of the generous, energetic public spirit of the State of Connecticut in this enterprise. Not even the critical gentleman from Wisconsin [Mr. FREAR] could find any fault with a local expenditure of \$1,000,000, coupled with the modest request for a Federal appropriation of \$170,000 to be spent upon a real harbor, with

an annual traffic of a million tons, of the value of \$125,000,000. It meets every criticism raised by the gentleman from Illinois [Mr. MADDEN]. Connecticut has always been a dividend payer to the National Government. Whether you figure it in customs taxes, corporation taxes, or individual income-tax returns, Connecticut has always been in the front rank. This bill contains scarcely anything for the rivers and harbors of Connecticut. The State of Connecticut has erected this 1,000-foot pier and has dredged this channel. It has a pier equipped with all the modern conveniences, railroad tracks running upon it, with ample railroad connections; the Grand Trunk going through to the North and to the far West, and the New York, New Haven & Hartford going through all New England and to points beyond.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Connecticut may continue for five minutes. Is there objection?

There was no objection.

Mr. FREEMAN. This magnificent natural harbor, within 15 or 20 minutes of the open ocean, open at all seasons of the year, free of all delay from fogs, with a saving of 6 hours and at times of over 24 hours, as compared with New York and the Ambrose Channel, with lower wharfage charges, and with a saving of 50 cents a ton, because of the direct unloading from the ship into the car or from the train into the ship, is a commercial proposition of benefit to every shipper and every consignee in the country.

I do not know that I ought to overwork the preparedness proposition, but it meets that test. If you assume that this is a new project and that new projects can come into this bill only in connection with national defense, I submit that this project completely meets that test. One hundred and twenty-five miles nearer Europe than New York, New London guards the eastern entrance to New York Harbor. Within 4 or 5 miles of New London are the strongest coast defenses in our Nation to-day, modern and up to date. You may have noticed on the map submitted by the gentleman from Pennsylvania [Mr. Moore] the location of Fort Michie, Fort Terry, Fort Mansfield, and Fort Wright. Our fleet could retire behind these forts into the harbor of New London for necessary repairs, for coaling, and so forth. In the War of 1812 the fleet of Decatur found there a safe and secure retreat. With this appropriation to deepen this channel to 33 feet our fleet of dreadnaughts could find a safe and secure place of refuge in the harbor of the city of New London.

Now, gentlemen of the House, I believe that the project I have offered here meets every condition laid down by the advocates of this bill and every criticism advanced by its opponents. It seems to me, indeed, a strange situation if out of an appropriation of \$39,000,000 for rivers and harbors you can not find \$170,000 to make good an implied obligation of the Government of the United States which has cost the State of Connecticut \$1,000,000 and which is an absolute waste—at least the interest on it—until you make good.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FREEMAN. Certainly.

Mr. HUMPHREY of Washington. Have you a dry dock at New London?

Mr. FREEMAN. We have a navy yard with a base for submarines there. We built there a dock from which were built the *Minnesota* and the *Dakota*, two of the greatest cargo-bearing ships that were ever built.

Mr. HULBERT. Will the gentleman yield?

Mr. FREEMAN. I will.

Mr. HULBERT. Would it not shorten the distance of any vessel coming from the south and intending to make New London a port for a vessel to proceed through Hell Gate instead of going down around Rhode Island?

Mr. FREEMAN. I hardly agree to that, because I think the trip up through Ambrose Channel and through Hell Gate would be longer; but I am not sure of that.

Mr. HICKS. Does not the gentleman think it would be the shorter route for vessels to land at Fort Pond Bay, at the east end of Long Island?

Mr. FREEMAN. I think the railroad facilities there would hardly be sufficient.

Mr. MADDEN. Mr. Chairman, I think good faith requires affirmative action on the amendment offered by the gentleman from Connecticut. The State of Connecticut and the city of New London have expended a million dollars to build a great pier to accommodate incoming ships. Alongside this pier they have built the channel which will accommodate any



ships that float the seas, and only because of the fact that the Government of the United States has failed to deepen the outer harbor are they unable to use the channel on which they have spent a million dollars because of a tentative agreement between the people of the State of Connecticut and the people of the United States. It seems to me that there can be no more meritorious proposition embodied in the bill than the amendment now proposed and pending before the House, and if there is any merit in the bill at all that merit will be increased by the insertion of the amendment offered by the gentleman from Connecticut.

Why invite communities to invest vast amounts of money to furnish facilities which can not be used unless the Government does its part? The State of Connecticut can not be expected to deepen the outer harbor leading up to the channel on the edge of which they have built a great pier and in connection with which are the railroads leading east, west, north, and south, with all the facilities for loading and unloading vessels from the ship into the train and from the train into the ship without any cartage, with more economical methods of moving the cargoes than can be found anywhere else in the country. All these facilities can not be utilized simply because the Government of the United States refuses to appropriate \$170,000 to deepen the channel which will enable the ships to reach the pier upon which the people of the city of New London have expended a million dollars with the distinct understanding that the Government of the United States would cooperate when that million dollars was expended. I hope the House will see the necessity, importance, and justice of adopting the amendment offered by the gentleman from Connecticut. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I hope the amendment will not be adopted. It is true the item was inserted in the 1914 bill with 75 or 78 other items, but they all went out in the Senate. There are a lot of items in the same class with this. I would not like to throw any rocks at this particular project, but it is not as strongly urged by the engineers, even from a commercial standpoint, as some other projects that went into that bill. Still, unless the committee changes its mind from what it was two years ago, the chances are that it will be inserted in the next bill containing new projects. Until then it should wait with the others similarly situated.

Mr. MANN. Mr. Chairman, I move to strike out the last word. For years Congress has been endeavoring, where it was practicable, to induce local authorities to spend money in the improvement of rivers and harbors and to get local municipalities to provide docks and wharves.

Here is a case where this has been done under a practical agreement with the Government to construct a pier and channel. The local authorities have done in this particular case what we have been unsuccessfully trying to get other municipalities to do—the local municipalities have carried out their share of the agreement, spent a million dollars, but the technical rule of the committee is invoked to prevent the Government from in good faith carrying out its contract. I say contract because that was the agreement. I do not believe in violating contracts. There was an understanding that the Government would do the outer channel work, which would cost \$170,000. The local people have gone ahead and constructed their pier and deepened the channel, at a cost of a million dollars. Now, the committee asks us to be too mean to complete our share of the understanding, in order to spend large sums of money at places where we are bearing all the expense and the local people are bearing not any of the expense, and where the commerce is not so important, whatever else may be said.

It will not do to say that there are 65 or 75 other cases like this, because it is not correct. There is no other case in the United States like this. There has been, so far as my observation goes, no other case where the local people have expended the same amount of money to do their share in order to get a little spent by the Government. As a rule, if anything of the sort was done it would be that the Government would spend a million dollars and the local people \$170,000. I think we ought to encourage the local people who are willing to do more than their share, and that we may well keep our agreement, and at that we will continue to pay the most of the money out of the Federal Treasury and get very little of it from stingy municipalities. When a municipality or a State is generous, we ought to meet them—with a little stinginess, it is true, but we ought to meet them.

Mr. SPARKMAN. Mr. Chairman, the gentleman from Illinois [Mr. MANN] says that there is no other place in the country where the same amount of money has been offered or expended by local authorities, and he may be technically correct as to that.

It may be that no other place has put up just a million dollars or proposed to put up precisely that sum of money, but there are several other places in the country where they are willing to contribute and are contributing large sums of money, some directly, for the improvement of a river or harbor, some by way of terminal building. I will mention one, the much-abused Trinity River. There local interests came forward and offered, if we would adopt the project, to put up dollar for dollar with the Government until \$3,000,000 should have been contributed, but we could not meet their offer at this time, because a certain survey now under way is not finished, and, further, because it is a new project.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. COOPER of Wisconsin. Did New London pay out this money under a law providing that if it would make that expenditure the Government would make this other expenditure?

Mr. SPARKMAN. Oh, nothing of that kind.

Mr. COOPER of Wisconsin. Then whence comes this statement that this was put up under an agreement?

Mr. MANN. I said a practical agreement.

Mr. SMALL. Then I will state that this money was put up by the State of Connecticut, not by the city of New London.

Mr. HUMPHREY of Washington. Mr. Chairman, in referring to the matter of contributions I think there are perhaps other localities that have made contributions equal to this, but there is one situation in regard to this particular item that does not exist in regard to any other, and I am surprised that the Secretary of the Navy has not sent some communication in regard to this particular item to the committee. Here is the situation at New London. Up at that great dock where the *Minnesota* and *Dakota* were constructed they have 35 feet of water. The localities have provided that depth of water. They have a channel there that is only 26 or 28 feet at high tide to reach this dock. If we would expend \$330,000 we would have access to that great dock, and this is what the Government practically agreed to do, as I understand it. If there are any items in all this bill that are for preparedness, here is one of them. It is proposed to spend \$700,000 on the East River where they can already get a battleship through, where they already have no trouble in taking her on either side of Governor's Island, at high tide, but here is an opportunity to secure the use of a great dock where they already have the water at the dock, at an expenditure of \$330,000. This item ought to be made an exception, not only because the Government, to a certain extent, entered into a contract—I am not arguing that phase of it—but as a question of preparedness. Here is an opportunity for the Government to get into a dry dock for \$330,000, and no such condition exists anywhere else in the United States. I think under the circumstances that this item ought to be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut.

The question was taken; and on a division (demanded by Mr. SPARKMAN) there were—ayes 28, noes 44.

So the amendment was rejected.

The Clerk read as follows:

Connecticut River, Conn.: Of the appropriation authorized in the river and harbor act approved July 25, 1912, so much as may be necessary may, in the discretion of the Chief of Engineers, be expended for maintenance dredging in said river above Hartford.

Connecticut River, Conn.: For maintenance below Hartford, \$15,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. These two items in reference to the Connecticut River bring up the very interesting subject of another important measure that is excluded from the present bill under the vote of the committee not to take on new projects. Long before my service in this body a very strenuous effort was made, and continued over a period of years, to secure navigation in the Connecticut River from Hartford to Holyoke. Finally a favorable report has been secured from the Board of Engineers, House Document 417, Sixty-fourth Congress, first session. This is a great step forward toward securing navigation to Holyoke. This project waits both the pleasure of Congress in adopting new projects and the possibility of cooperation between individuals or private corporations and the Federal Government in hydroelectric development. I therefore hope that the time is not far distant when we can have new projects in the river and harbor bill and also when a general dam act such as is probably the proposal of the gentleman from Georgia [Mr. ADAMSON] in this Congress may be adopted. We have conserved so strongly the natural resources of the country that we have wasted indefinitely the possibility of development of that

kind. Conservation has run riot, and it is time that we did conserve by saving the great waste that has been lost for all of these years. The Connecticut River is one of those projects, and therefore I am heartily in favor of such a proposition as will bring it before the House. I addressed the House at some length on the subject of Connecticut River navigation in the last Congress and so will not take up further time to-day. I ask unanimous consent to extend my remarks in the RECORD in order that I may incorporate in my remarks the recommendations of the engineers.

The CHAIRMAN. Is there objection?

There was no objection.

CONNECTICUT RIVER BETWEEN HARTFORD, CONN., AND HOLYOKE, MASS.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, November 12, 1915.

From: The Chief of Engineers, United States Army.

To: The Secretary of War.

Subject: Preliminary examination of Connecticut River between Hartford and Holyoke.

1. There are submitted herewith for transmission to Congress reports, dated May 28, 1913, and April 15, 1915, with maps, by Maj. G. B. Pillsbury, Corps of Engineers, on preliminary examination and survey, respectively, authorized by the river and harbor act approved March 4, 1913, of Connecticut River from Hartford, Conn., to Holyoke, Mass.

2. The Connecticut River is under improvement from its mouth to Hartford, a distance of 52 miles, with a view to securing a channel 12 feet deep at mean low water and 100 feet wide. The project has not been completed, but a channel of sufficient depth to accommodate vessels having a draft of 10 feet has been provided and is being maintained. The stretch from Hartford to Holyoke is 34 miles long, and is naturally divided into three distinct sections. From Hartford to the foot of Enfield Rapids, 10½ miles, the river has a sandy, shifting bottom; from the foot to the head of Enfield Rapids, 5½ miles, the total fall of low water is 35 feet, and the bed of the river is largely rock; from Enfield Rapids to Holyoke, 18 miles, the river is of moderate width, gentle slope, fair depth, and stable bottom. From 1871 to 1883 a small amount of wing-dam work was done by the United States between Hartford and Enfield Rapids, and appropriations have been since made for maintenance of this work. Permanent benefit, however, can be secured only from a more radical and expensive form of improvement. Several examinations and surveys with this object in view have been made. The most recent of these prior investigations was made in 1909 and 1910, and the report is printed in House Document No. 818, Sixty-first Congress, second session.

3. To render the improvement of this section of the river commercially successful, having in mind the needed capacity of vessels and their suitability for navigation in Long Island Sound, the district officer believes that a depth of 12 feet at mean low water and width of 100 feet should be given. He submits a plan providing for a channel of these dimensions, to be secured by the construction of locks and dams at Hartford and at Enfield Rapids and by channel excavation and regulating works of limited extent, at a total first cost to the United States of \$1,870,000, and \$65,000 annually for maintenance and operation, this estimate being on the basis of the Enfield Lock and Dam being constructed by private interests. If this lock and dam is not constructed by private interests within a reasonable time, he believes the United States should undertake the entire work and lease the power created. On this basis, the cost to the United States will be increased to \$3,950,000. He recommends, however, that the appropriation be made subject to the provision that no work be done by the United States until the Secretary of War is satisfied that adequate terminal facilities under municipal or other public control will be provided at the cities of Springfield, Holyoke, and Chicopee by the time the project is completed. The division engineer concurs in the main with the district officer, but believes that work should not be undertaken by the United States unless the lock and dam at Enfield Rapids are constructed by private, municipal, or State funds, and the use of all water needed for navigation purposes be deemed to the United States by the parties operating the dam for power purposes.

4. These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith, dated September 14, 1915, concurring in general with the views of the district officer and the division engineer.

5. After due consideration of the above-mentioned report, I concur in general with the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of the Connecticut River between Hartford, Conn., and Holyoke, Mass., is deemed advisable to the extent of providing a channel 12 feet deep at mean low water and 100 feet wide, under the plans proposed by the district officer (subject to such modifications as may appear advisable during construction), at an estimated cost of \$1,870,000 for first construction and \$65,000 annually thereafter for maintenance, subject to the following conditions:

(a) That water power or other interests will construct a new lock and dam at Enfield in accordance with the plans proposed by the district officer or such other modified plans as may be approved by the Chief of Engineers and the Secretary of War, under the general provision of law applicable to such cases;

(b) That the lock and such adjacent land as may be needed for its operation and care shall be deemed without cost to the United States, and sufficient power shall be supplied free of cost for its operation, but that otherwise the lock shall be maintained and operated at the expense of the Federal Government;

(c) That those constructing the lock and dam shall assume all responsibility for claims for damages that may arise from fluvial rights, from injury to water power, or from any other source; and

(d) That the cities of Springfield, Holyoke, and Chicopee shall make suitable provision for terminal facilities satisfactory to the Secretary of War.

The first appropriation should be \$520,000, with authority to enter into contracts to an additional sum of \$300,000. Subsequent appropriations should be at the rate of \$350,000 per year for three years.

DAN C. KINGMAN,  
Chief of Engineers, United States Army.

# REPORT OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS ON SURVEY.

[Third indorsement.]

BOARD OF ENGINEERS FOR RIVERS AND HARBORS,  
September 14, 1915.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. The following is in review of the district officer's reports on preliminary examination and survey of Connecticut River from Hartford, Conn., to Holyoke, Mass., called for by the act of March 4, 1913:

2. The Connecticut River is under improvement from its mouth to Hartford, a distance of 52 miles, the project providing for a channel 12 feet deep at mean low water and 100 feet wide. The project has not been completed, but a channel has been provided and is being maintained of sufficient depth to accommodate vessels having a draft of 10 feet.

3. The city of Holyoke is situated about 33 miles above Hartford. The river between these cities is divided into three sections of different characteristics—(1) Hartford to Enfield Rapids, about 11 miles, having a navigable depth of 2 to 3 feet at mean low water. (2) Enfield Falls reach, 5.2 miles, total fall about 35 feet, surmounted by a privately constructed canal with locks about 18 by 80 feet, with 3.7 feet depth at mean low water on the lower sill of lower lock. The canal was nominally constructed for navigation purposes but is used mainly for supplying water power to manufacturing establishments at the town of Windsor Locks. The canal is owned by the Connecticut River Co., chartered by the State of Connecticut in 1828. (3) The pool formed by the Enfield Dam, extending to Holyoke, 16.5 miles, with navigable depth at mean low water of about 6 feet. Several towns of importance are located on this reach. A power dam at Holyoke prevents further navigation up the river, the locks and navigation canal at this place having fallen into ruin.

4. Until about 1882 there was a light-draft steamboat service up to Springfield, but for many years navigation has been confined to excursion and motor boats in the Enfield Dam pool. During the period 1871–1886 a small amount of wing-dam work was done by the United States between Hartford and the Enfield Rapids, but without lasting results.

5. Numerous plans for the improvement of the reach under consideration have been presented in reports referred to by the district officer. The last one, submitted in 1910, published in House Document No. 818, Sixty-first Congress, second session, recommends the improvement of the river by the United States under a project providing for a channel 7 feet deep and 100 feet wide at an estimated cost of \$1,015,600, with the condition that a suitable lock and dam for surmounting Enfield Rapids shall be built by private or corporate interests, free of cost to the United States; that navigation shall be free from tolls; that those constructing the lock and dam shall assume all responsibility for damages; and that after construction the lock and dam shall become the property of and be maintained by the United States. No action by Congress has been taken on this report.

6. The population of the territory directly affected by the proposed improvement is reported as exceeding 200,000. The total freight tonnage is given as 2,977,900, the principal commodity being coal. What part of this commerce would be carried by water if adequate facilities were provided is speculative, but the district officer believes it would amount to as much as 700,000 tons annually and would effect a saving of from \$200,000 to \$300,000 a year, with a prospect of this amount being increased if the communities adjacent continue to grow.

7. The district officer discusses the question of the proper depth to be provided to meet the probable demands of commerce and, for reasons given, concludes that it should be 12 feet and the width generally 100 feet, so as to accommodate the vessels to be used on the enlarged Erie Canal and to permit such vessels as now go to Hartford to proceed to points on the river above without breaking bulk.

8. Plans with estimates are presented for improving the reach between Hartford and the Enfield Rapids both by open-channel improvement and by canalization by means of one lock and dam located 1½ miles above the Hartford Bridge, the respective estimates being \$2,030,000 and \$1,405,000, with \$45,000 and \$40,000 per annum for maintenance. Due to the lower cost of construction and maintenance and on account of other advantages, the district officer is of opinion that the canalization plan is the better.

9. In the upper reach the pool formed by the Enfield Dam gives generally a depth greater than proposed, and the only work required is some dredging and rock excavation, estimated to cost \$465,000, and \$15,000 annually for maintenance.

10. To complete the improvement and make it of value to navigation, as well as to water-power interests, will require a new lock and dam at the Enfield Rapids. It appears that private interests are ready to provide these structures without cost to the United States for the use of the power developed, if the necessary authority is given. Plans are presented for a dam and a lock having a chamber 310 by 45 feet in horizontal dimensions, estimated to cost \$2,080,000, and \$10,000 per annum for maintenance and operation. The cost of improvement to the United States will therefore be \$1,870,000, if private interests construct the new lock and dam at the rapids, and \$3,950,000 if the United States constructs the lock and dam in addition to the work required above and below. Maintenance and operation would amount to \$65,000 a year.

11. The amount of water power that may be expected from the development in excess of that now used by the mills is computed by the district officer, on the basis of a 30,000-horsepower plant, at about 13,333 horsepower, which he states would have a leasing value estimated at \$100,000, or \$7.50 per horsepower per annum.

12. The district officer discusses the question of terminals and co-operation, and he believes that local interests and the State should cooperate by constructing suitable and adequate terminals at several points, which he estimates will represent a considerable sum when compared with the cost of the project.

13. In conclusion, the district officer expresses the opinion that the Connecticut River between Hartford and Holyoke is worthy of improvement by the United States, under a project providing for a channel 12 feet deep at mean low water and generally 100 feet wide, to be obtained by the construction of a lock and dam at Hartford and by channel excavation and regulating works of limited extent, at a total first cost of \$1,870,000 and \$65,000 annually for maintenance and operation, this estimate being on the basis of the Enfield Lock and Dam being constructed by private interests. If such lock and dam are not constructed by private interests within a reasonable time, he believes the United States should undertake the entire work and



lease the power created. On this basis the cost will be increased \$2,080,000. He recommends, however, that the appropriations be made subject to the provision that no work be done by the United States until the Secretary of War is satisfied that adequate terminal facilities under municipal or other public control will be provided at the cities of Springfield, Holyoke, and Chicopee by the time the project is completed.

14. The division engineer concurs in the main with the district officer, but believes that work should not be undertaken by the United States, unless the lock and dam at Enfield Rapids is constructed by private, municipal, or State funds, and the use of all water needed for navigation purposes be deeded to the United States by the parties operating the dam for power purposes.

15. As stated by the district officer, favorable recommendation has been made for the improvement of this waterway at a cost to the United States of \$1,015,600, provided, among other things, that private or cooperative interests construct a suitable lock and dam free of cost to the United States. The depth adopted at that time was 7 feet. In view of the prospective opening of the enlarged Erie Canal in the near future, the increasing size of vessels used in the Sound and tributary waters, and the continual growth of population and business adjacent, it appears that the proper depth of channel would now be 12 feet, which will necessitate a corresponding increase in cost. The present estimate is \$1,870,000, aside from the Enfield Lock and Dam, which the board believes, in concurrence with the division engineer, should be constructed by water-power interests.

16. This increase in cost over the former estimates seems fully justified, and therefore the board recommends the adoption of a project for the improvement of the Connecticut River from Hartford to Holyoke, Mass., following generally the plans proposed by the district officer, at a cost to the United States of \$1,870,000 for first construction and \$65,000 annually thereafter for maintenance, provided (a) that water-power or other interests will construct a new lock and dam at Enfield in accordance with the plans proposed by the district officer, or such other modified plans as may be approved by the Chief of Engineers and the Secretary of War, under the general provision of law applicable to such cases; (b) that the lock and such adjacent land as may be needed for its operation and care shall be deeded without cost to the United States, and sufficient power shall be supplied free of cost for its operation, but that otherwise the lock shall be maintained and operated at the expense of the Federal Government; (c) that those constructing the lock and dam shall assume all responsibility for claims for damages that may arise from flowage rights, from injury to water power, or from any other source; (d) that the cities of Springfield, Holyoke, and Chicopee shall make suitable provision for terminal facilities satisfactory to the Secretary of War.

17. In compliance with law, the board reports that, except as contemplated by the above recommendations, there are no questions of terminal facilities, water power, or other subjects so related to the project proposed that they may be coordinated therewith to lessen the cost and compensate the Government for expenditures made in the interests of navigation.

For the board:

FREDERIC V. ABBOT,  
Colonel, Corps of Engineers,  
Senior Member Present.

Mr. HUMPHREY of Washington. Mr. Chairman, I would like to have the attention of the chairman of the committee for a moment. I think that as this is Saturday evening and we have now reached 5 o'clock I would suggest we have done enough work for this week.

Mr. DEMPSEY. Mr. Chairman, I have a short item to present—

Mr. HUMPHREY of Washington. If the gentleman wishes to offer an amendment, I will withhold the request.

Mr. SPARKMAN. I was going to say that I proposed to ask that the committee rise when we reached the East River project, if that is satisfactory.

Mr. HUMPHREY of Washington. I am not sure but there is going to be some debate provoked before that time. I will withhold the request for the present.

Mr. DEMPSEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, between lines 8 and 9, insert:

"Black Rock Harbor and Channel: To extend about 5,100 feet, the 23-foot channel, 400 feet wide, in Niagara River, to the Tonawanda Iron & Steel Co.'s plant, with a basin about 1,230 feet long and 1,050 feet wide (the extension and basin being shown in the map accompanying Doc. No. 658, 63d Cong., 2d sess.), \$300,000."

Mr. DEMPSEY. Mr. Chairman and gentlemen, previous to 1913 there had been built up at Tonawanda two large businesses—a steel business and a lumber business. The lumber business is the second or third in the whole of the United States. The steel business was large enough so that the plant was installed at a cost of nearly \$1,500,000. At the time when these industries were built up it was sufficient to have a depth in the river of 15 feet. Business has changed so that to-day the lumber business and the steel business can not be accommodated at that point with vessels of that draft. To-day we must have 23 feet of depth to float the vessels now in use. Now, the result of the situation that has existed is that Tonawanda is a city, with all the improvements that come with the growth of a city. It has a police force; it has streets and lights; it has the homes of the workers in the steel business and the lumber business. Yet to-day there has been built up, 5 miles in the country, above Tonawanda, a steel plant, known

as the Wickwire plant, remote in the country, simply because they have a 23-foot channel to that point in the river, and down below, at Tonawanda, where there has been invested \$1,300,000 in a steel plant, where millions of dollars have been invested in the lumber business, the steel plant has been nearly shut down and the lumber business is at a very low ebb because of the facts, first, that vessels of small type have largely gone out of existence, as they can not run profitably, and, secondly, because the larger draft vessels can not come down there at all. We have the report of the Army Engineers favoring this project. It was made after an investigation in 1913. It has been reported upon twice and the money was actually authorized, but it was diverted to other projects.

In the case of New London, it has been said here that the Government of the United States made a practical agreement with that city to make it possible for her to utilize the \$1,000,000 which she had spent. I say to you that a great business center has grown up at the Tonawandas—they have grown from villages to cities, because those two great industries believed that they would be able to continue to have a depth in the river sufficient to bring the boats there, but that has not been done, and the result is that those businesses will perish unless this amendment is adopted. Why, to-day the laboring men are going from Tonawanda 5 miles into the country to the Wickwire plant. They have to go that distance, requiring an hour morning and night, whereas that can be avoided and these great industries maintained by the deepening of this river channel. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

East Chester Creek, N. Y.: Continuing improvement and for maintenance, \$6,000.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. Pending that, the gentleman from Massachusetts [Mr. GREENE] asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. SMALL, Mr. HUDDLESTON, and Mr. BENNET made the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The committee rose; and the Speaker having resumed the chair, Mr. SHERLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12193 and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5270. An act for a public building at Paris, Tex.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4505. An act appropriating money to equip Puget Sound Navy Yard for battleship construction; to the Committee on Naval Affairs.

S. 5270. An act for a public building at Paris, Tex.; to the Committee on Public Buildings and Grounds.

#### ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4657. An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee.

#### HOUR OF MEETING MONDAY.

Mr. KITCHIN. Mr. Speaker, I would like to ask unanimous consent that when we adjourn to-day we adjourn to meet at 11 o'clock—no; I withdraw that.

Mr. MANN. Mr. Speaker, reserving the right to object, what is coming up Monday?

Mr. KITCHIN. I believe it is unanimous-consent day, and I therefore withdraw the request. I move that the House do now adjourn.

#### ADJOURNMENT.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned to meet on Monday, April 3, 1916, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Aaron L. Abbey v. The United States (H. Doc. No. 971); to the Committee on War Claims and ordered to be printed.
2. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Paralee Evans v. The United States (H. Doc. No. 972); to the Committee on War Claims and ordered to be printed.
3. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Joseph V. Kendall v. The United States (H. Doc. No. 973); to the Committee on War Claims and ordered to be printed.
4. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Lizzie W. Townsley v. The United States (H. Doc. No. 974); to the Committee on War Claims and ordered to be printed.
5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Nicholas C. Buswell v. The United States (H. Doc. No. 975); to the Committee on War Claims and ordered to be printed.
6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Orange Parret v. The United States (H. Doc. No. 976); to the Committee on War Claims and ordered to be printed.
7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank Winter and Walter C. Winter v. The United States (H. Doc. No. 977); to the Committee on War Claims and ordered to be printed.
8. A letter from the Acting Secretary of the Treasury, submitting estimates of appropriations for new boarding launches for quarantine stations at Cape Charles, Va., and Columbia River, Oreg. (H. Doc. No. 978); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same, reported the same with amendment, accompanied by a report (No. 460), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 10305) to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people, reported the same with amendment, accompanied by a report (No. 461), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COADY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 721) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service, reported the same with amendment, accompanied by a report (No. 462), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10989) making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans., reported the same with amendment, accompanied by a report (No. 463), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 393) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes, reported the same with amendment, accompanied by a report (No. 464), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12362) granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas, reported the same with amendment, accompanied by a report (No. 465), which said bill and report were referred to the House Calendar.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13669) to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind., reported the same with amendment, accompanied by a report (No. 466), which said bill and report were referred to the House Calendar.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 11878) to amend section 99, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary, reported the same with amendment, accompanied by a report (No. 467), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NICHOLLS of South Carolina, from the Committee on Military Affairs, to which was referred the bill (H. R. 13760) to authorize the Secretary of War to supply tents for temporary use of the sufferers from the recent conflagration in Paris, Tex., and for other purposes, reported the same with amendment, accompanied by a report (No. 468), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1996) granting a pension to Flora B. Warren; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9250) granting a pension to Sarah E. Dillon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LESHER: A bill (H. R. 14063) to authorize the Secretary of War to donate to Fort Augusta, in the town of Sunbury, in the State of Pennsylvania, two bronze cannon or field-pieces; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 14064) adding certain lands to the Colorado National Forest, Colo.; to the Committee on the Public Lands.

By Mr. STEELE of Iowa: A bill (H. R. 14065) to provide for the purchase of additional ground and for erecting an addition to and making alterations in the Federal building at Sioux City, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Minnesota: A bill (H. R. 14066) authorizing the selection, under certain circumstances, of commissioned officers of the Philippine Scouts and the Philippine Constabulary to fill vacancies in the grade of second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 14067) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 14068) authorizing the Commissioner of Internal Revenue to collect and transmit to the Director of the Census for publication statistics of leaf tobacco; to the Committee on the Census.

By Mr. SEARS: A bill (H. R. 14069) to provide for the examination and survey of Key West Harbor, Monroe County, Fla.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14070) to provide for the examination and survey of Onoshohatchee River, St. Lucie County, Fla.; to the Committee on Rivers and Harbors.

By Mr. KALANIANAOLE: A bill (H. R. 14071) to amend certain public-utility company franchises in the Territory of Hawaii; to the Committee on the Territories.



By Mr. FOCHT: A bill (H. R. 14072) to provide for the purchase of a site for and the erection of a public building at Lewisburg, Pa.; to the Committee on Public Buildings and Grounds.

Also, A bill (H. R. 14073) to increase the limit of cost of public building and site therefor at Lewistown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. FOSS: A bill (H. R. 14074) granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River which passes through Pistakee Lake and Nippersink Lake, a point suitable to the interests of navigation, at or near their point of intersection, in the county of Lake, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEY: A bill (H. R. 14075) for the purchase of a site for a public building at Walterboro, Colleton County, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14076) for the purchase of a site for a public building at Manning, Clarendon County, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14077) for the purchase of a site for a public building at St. George, Dorchester County, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14078) for the purchase of a site for a public building at Summerville, Dorchester County, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. PORTER: A bill (H. R. 14079) to increase the internal revenue by revising and amending the tax on cigars and cigarettes; to the Committee on Ways and Means.

By Mr. DYER: A bill (H. R. 14080) providing for amending section 6 of the act relative to liability of common carriers by railroads to their employees in certain cases; to the Committee on the Judiciary.

By Mr. DRISCOLL: A bill (H. R. 14081) fixing the rate of second-class mail matter at 2 cents per pound; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 14082) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. PORTER: A bill (H. R. 14083) to authorize the Secretary of the Treasury of the United States to sell the post-office site thereof in the borough of Tarentum, Pa., and to purchase a new site; to the Committee on Public Buildings and Grounds.

By Mr. RAYBURN: Resolution (H. Res. 192) providing for the consideration of House bill 563; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 14084) granting an increase of pension to Letta Blackwell; to the Committee on Pensions.

Also, a bill (H. R. 14085) granting an increase of pension to Bedie A. Long; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 14086) granting an increase of pension to Pleasant D. Broadus; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 14087) granting a pension to Anna E. Luker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14088) granting a pension to Eliza Bridges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14089) granting an increase of pension to Thomas S. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14090) granting an increase of pension to Henry Willman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14091) granting an increase of pension to Angeline Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14092) granting an increase of pension to Isaac Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14093) granting an increase of pension to Mary A. Fredenburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14094) to correct the military record of William T. Rominger; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 14095) for the relief of W. W. Taylor; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 14096) granting an increase of pension to Harriet M. Richmond; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 14097) granting an increase of pension to Melissa L. Yates; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 14098) granting a pension to Emma A. Ball; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 14099) granting an increase of pension to James Mitchell; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 14100) to correct the military record of John W. Morse; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 14101) granting a pension to John Storms; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 14102) granting an increase of pension to Alexander Little; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14103) granting an increase of pension to Daniel Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14104) granting a pension to Margaret M. Zurnehly; to the Committee on Pensions.

Also, a bill (H. R. 14105) granting a pension to Edward West; to the Committee on Pensions.

Also, a bill (H. R. 14106) granting a pension to George Rauch; to the Committee on Pensions.

Also, a bill (H. R. 14107) granting a pension to Josiah Phillips; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 14108) granting an increase of pension to Miles Beckwith, alias Miles Turner; to the Committee on Invalid Pensions.

By Mr. SAUNDERS: A bill (H. R. 14109) granting an increase of pension to Isaac Slygh; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 14110) granting an increase of pension to Joseph W. Anderson; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 14111) granting an increase of pension to Henry C. Towner; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 14112) granting an increase of pension to George Critzman; to the Committee on Pensions.

Also, a bill (H. R. 14113) granting a pension to Samuel C. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14114) granting an extension of patent to Rosella Rebecca Reilly; to the Committee on Patents.

By Mr. THOMAS: A bill (H. R. 14115) granting a pension to Lonnie Beller; to the Committee on Pensions.

Also, a bill (H. R. 14116) granting an increase of pension to James A. Faxon; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALMON: Petition signed by J. R. Hall and others, of Sheffield, Ala., to Congress, not to pass the House bill 6468, to amend the postal laws, and also House bill 491, with the same title, or any other like measure; to the Committee on the Post Office and Post Roads.

Also, petition signed by Harris & Co., of Town Creek, Ala., and others, urging support of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition signed by James L. Pippin and others, of Sheffield, Ala., to Congress not to pass the compulsory Sunday-observance bill, House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday, or any other like religious measure; to the Committee on the District of Columbia.

By Mr. BAILEY: Protest of C. B. Varner, W. H. Wirick, Charles B. St. Clair, J. E. Croyle, Charles Gable, Samuel Jordan, Henry Walker, Walter S. Penrod, J. W. Marlin, H. W. Miller, James Walker, William O. Jordan, Jonas A. Wirick, F. E. Hetrick, Charles Pasglat, Harvey Myers, G. E. Flenner, J. H. Croyle, M. C. Lyac, Daniel Wirick, Robert W. Soule, R. C. Buertnett, Richard Fleck, H. A. Bauers, John A. Cusen, G. J. Gouchenour, J. F. Varner, William Box, S. J. Helman, George Bowen, and F. D. Heilman, all of South Fork, Pa., against the passage of House bills 491 and 6468, to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, memorial on preparedness; to the Committee on Military Affairs.

Also, memorial on postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. BURKE: Petitions signed by 98 merchants and business men of Jefferson County, Wis., asking for the passage of House bill 270 or House bill 712, to compel concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

By Mr. DENISON: Petition of 89 citizens of Carbondale, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of the History Club, of Sioux Falls, favoring inspection of dairy products; to the Committee on Agriculture.

Also, petition of sundry citizens of Canova, S. Dak., favoring the embargo resolution; to the Committee on Foreign Affairs.

By Mr. FLYNN: Petition of the H. M. Bickford Co., New York City, relative to appropriation for the Norfolk-Beaufort inlet waterway; to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of the Central Federated Union, opposing any modification of the seamen's act, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Association of Bureau of Animal Industry Employees, favoring the Lobeck bill (H. R. 5792); to the Committee on Agriculture.

By Mr. GARDNER: Petition of Major How Post, No. 47, Grand Army of the Republic, of Haverhill, Mass., favoring the passage of bill to increase the pension of widows; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Haverhill, Mass., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, memorial of General Court of Massachusetts, relative to conditions in Poland and to the entry of food therein; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY of Indiana: Petition of Don Lamoreaux, Samuel J. Tomlinson, and other citizens of the sixth congressional district of Indiana, protesting against the enactment of House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of H. M. Gibson and others, of the sixth congressional district of Indiana, favoring House bill 652; to the Committee on the District of Columbia.

By Mr. GUERNSEY: Petition against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of New York: Petition of sundry citizens of Jamestown, N. Y., favoring the passage of the Emerson resolution; to the Committee on Ways and Means.

By Mr. HAYDEN: Petitions of sundry citizens and church organizations of Arizona, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petition of citizens of Georgetown, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Resolutions covered by the report of the legislative committee of the chamber of commerce and unanimously ratified by the board of managers, against the passage of House bill 12773, for dividing the United States district court in the district of Maine into divisions; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Colonel George W. McCook Camp, Sons of Veterans, of Steubenville, Ohio, favoring preparedness; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of Yakima County, Wash., relative to Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Spokane, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of 32 citizens of Calumet, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Branch No. 5, Amalgamated Lace Makers, Alton, R. I., favoring investigation of dairy products; to the Committee on Agriculture.

Also, memorial of Smithfield Savings Bank and National Exchange Bank, both of Greenville, R. I., favoring passage of House bill 11533, amending Clayton Antitrust Act; to the Committee on the Judiciary.

By Mr. KONOP: Petition of sundry citizens and church organization of the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany House bill 3304, for the relief of George W. Pinion; to the Committee on Pensions.

By Mr. MORIN: Petition of American Temperance Board of Churches of Christ (Disciples) in America, in opposition to referendum in District of Columbia on Sheppard-Barkley bill; to the Committee on the Judiciary.

Also, petition of Western Military Academy, of Alton, Ill., in favor of House bill 11086 and Senate bill 4705 and House bill 18015; to the Committee on Military Affairs.

Also, petition of H. A. Taylor, R. H. Brownlee, John H. Carlin, Gregory M. Dexter, R. Klum, jr., R. S. Quick, G. S. Tynnon, A. E. Abel, H. P. Davis, Alexander L. Hoerr, L. Gressen, K. H. Talbot, J. P. Henry, J. H. Dickerson, John D. Stevenson, W. Dudley, L. C. Frohriebe, Thomas W. Smith, L. H. Marten, William Arnold, A. Stucki, H. N. Scofield, Robert Horton, W. G. Whermey, R. D. Day, A. C. Beeson, George T. Haldeman, J. E. Hoheck, Charles M. Reppert, P. E. Hunley, J. G. Richardson, Henry C. Cronemeyer, Carl D. Smith, Charles A. Failey, Samuel E. Duff, Harry W. Stevenson, Charles C. Dornbush, Robert S. Kline, E. K. Morse, E. G. Ericson, C. D. Terry, C. B. Kell, W. C. Coryell, R. Trimble, A. A. Schneider, A. J. Schroth, D. Ashworth, George Hardy, J. M. Larned, D. S. Mekell, E. J. Taylor, Frederick Schafer, G. H. Weaver, Grant B. Shipley, John E. Carr, W. S. Dawson, A. E. Kurcherlocke, R. E. Noble, William A. Weldin, E. E. Augustine, all of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

By Mr. NORTH: Memorial on preparedness and postalizing the wires from Elder Grange, No. 503, James H. Elder, master, and Charles A. Morris, secretary, Jefferson County; Mount Pleasant Grange, No. 1612, J. S. Kauffman, master, and Mrs. R. C. McWilliams, secretary, Indiana County, Pa.; and Success Grange, No. 1656, R. B. Flemming, master, and P. D. Wilson, secretary, Indiana County, Pa.; to the Committee on Military Affairs.

Also, petition of Pomona Grange, No. 58, Indiana, Indiana County, Pa., W. M. Wright, I. C. Rank, and I. D. Mumau, committee, protesting against the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Lloyd I. Gorman, Wilgus, Indiana County, Pa., protesting, with 35 other citizens, against the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. NORTON: Petition of Chenho Kappo and 224 other citizens of Lawton, N. Dak., favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, memorial of Rolling Green Grange, No. 19, of Deslacs, N. Dak., protesting against great military and naval preparedness; to the Committee on Military Affairs.

Also, memorial of Rolling Green Grange, No. 19, of Deslacs, N. Dak., urging postalization of wires; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: Petition of Haskinville Woman's Christian Temperance Union, of Cohocton, N. Y., favoring national censorship of motion pictures; to the Committee on Education.

By Mr. ROWE: Petition of Louis B. Rettberg, of Brooklyn, N. Y., relative to Emerson resolution for relief of babies of the war zone; to the Committee on Ways and Means.

Also, petition of S. B. Haig, of New York City, favoring House bill 10845, relative to preparedness; to the Committee on Military Affairs.

Also, petition of the Typothetae of the City of New York, favoring Tague bill, House bill 11621; to the Committee on the Post Office and Post Roads.

Also, petition of Evinrude Motor Co., of Milwaukee, Wis., against passage of tag bill, House bill 9411, to number motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Jewish Orthodox Community of Brooklyn, against the passage of the immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Congregation of Lenox Road Baptist Church, of Brooklyn, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of Mrs. Jennie Stevens, of Matawan, N. J., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Essex County (N. J.) Medical Society, in favor of increasing the number of medical officers in the Army; to the Committee on Military Affairs.

Also, petition of citizens of Manasquan, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMALL: Petition of citizens of Wanchese, N. C., favoring national prohibition; to the Committee on the Judiciary.

Mr. SMITH of Idaho: Papers to accompany House bill 13976, for the relief of George Ashley; to the Committee on Claims.

By Mr. SNELL: Resolution of Mrs. W. A. E. Cummings, Mrs. Ira E. Bartholomew, and Mrs. F. G. Lampman, in behalf of the Woman's Christian Temperance Union of Ticonderoga, N. Y., urging the passage of a national prohibition amendment; to the Committee on the Judiciary.



Also, petition of A. K. Botsford, B. L. Wilcox, A. M. Wilcox, C. N. Scofield, D. Scofield, E. M. Wilcox, L. M. Wilcox, Edwin Wilcox, M. E. Collins, Lyman Collins, I. M. M. Moody, Brad Wilcox, E. W. Wilcox, H. A. Stevens, Sherman Stevens, F. F. Harvey, W. B. Forney, A. M. Foster, George Walton, M. L. Phillips, C. A. Morehouse, M. C. Haggard, John Foster, M. H. Collins, and Ira Collins, all of Saranac Lake, N. Y., protesting against House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of Kenneth W. Goldthwaite, Edward Krauss, C. A. McAfee, and H. F. Towner, of Saranac Lake, N. Y., protesting against House bill 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, resolution of Mrs. J. D. More, in behalf of Brier Hill Grange, No. 744, of Brier Hill, N. Y., in favor of a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of E. P. Mitchell, E. E. Barrett, H. P. Jefferson, Clayton Goslin, Milton Welch, George Cowles, John M. Flint, W. O. Daniels, Floyd S. Fenner, J. Fred Hoyt, Edwin Wilcox, and others, of Parishville, N. Y., favoring the passage of a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of T. J. Scofield, L. G. Scofield, M. H. Collins, L. Collins, M. E. Collins, I. M. Moody, E. M. Wilcox, L. M. Wilcox, A. M. Foster, George Walton, John Foster, M. L. Phillips, George A. Pratt, B. F. Moody, Sidney Smith, C. E. Doody, Allison Darr, jr., S. C. Smith, E. Hennessey, F. L. Hillman, M. C. Daniels, H. M. Swinger, Charles E. Bailey, D. C. McLane, G. M. Richardson, D. Kelley, Peter Bessette, and others, of Saranac Lake, N. Y., protesting against the passage of House bill 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. H. J. Potter, Mrs. M. Ling, Mrs. J. H. Cutler, J. B. Cutler, A. C. Randall, Mrs. S. W. North, Albert Forbes, and Mrs. Albert Forbes, of Newman; Millicent Lengfeld, Mrs. G. W. Lengfeld, G. W. Lengfeld, Mrs. Henry Packard, and W. M. Morrow, of Lake Placid, all in the State of New York, protesting against the passage of House bill 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. C. E. M. Edwards, Mrs. Edw. S. Dodds, Maude S. Learned, F. S. Gilliland, Fredrika H. Day, Alma M. Gilliland, Mrs. E. J. Robinson, J. G. McKinney, Mrs. Frank E. Tromblee, Mrs. George H. Rymers, Mrs. S. B. Miller, Mrs. M. A. Darby, Julia Joy, Mrs. L. G. Barton, Mrs. A. B. Chatterton, Mary P. Brown, and D. G. Barton, all of Plattsburg, N. Y., urging the passage of the Sisson resolution; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Memorial of Chamber of Commerce of Los Angeles, Cal., favoring the building of a road to the summit of Mount Whitney, Cal.; to the Committee on Appropriations.

Also, petition of L. C. Gibbs, Los Angeles, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of W. D. Van Noctran and 2 other citizens of Los Angeles, Cal., favoring an appropriation of \$100,000 for the capture of Pancho Villa; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of Humboldt County, Cal., indorsing national and Pacific coast defense, etc.; to the Committee on Military Affairs.

Also, petition of Joseph Pedott and 53 others, of Los Angeles, Cal., against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Chamber of Commerce of Los Angeles, Cal., indorsing House bill 5806, to provide for the construction of the San Juan Railway in Colorado and New Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of citizens of West Warwick, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. THOMAS: Petition of sundry citizens of Bowling Green, Ky., against passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: Petitions of citizens of Longmont, Colo., against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Petition of Board of Governors of India House, New York City, and citizens of the eleventh district of Massachusetts, favoring adequate preparedness; to the Committee on Military Affairs.

By Mr. WASON: Petitions of Men's Forum, representing 50 people, of the town of Bristol; the Nashaway Woman's Club, representing 300 people, of Nashua; the Woman's Christian Temperance Union, representing 35 people, of Nashua; the Mothers' Class of the First Congregational Church, representing 50 people, of Nashua; the Baptist Church, representing 45 people, of Peterboro; the Baptist Christian Endeavor Society, representing 34 people, of Peterboro; the Congregational Sunday School, representing 100 people, of Peterboro; and the Woman's Christian Temperance Union, representing 24 people, of Peterboro, all in the State of New Hampshire, favoring the national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, resolution of the Greenville Grange, of Greenville, N. H., favoring national prohibition; to the Committee on the Judiciary.

## SENATE.

MONDAY, April 3, 1916.

(Legislative day of Thursday, March 30, 1916.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

### NATIONAL DEFENSE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. UNDERWOOD. Mr. President, on Thursday last in the speech which I delivered in the Senate I made some statements about the Du Pont Powder Co. This morning I received a letter from Mr. du Pont, the president of the company, somewhat explaining in reference to the statements I made. I think it is fair to myself and fair to Mr. du Pont that I should have his letter read at the desk and my answer to it, so that the Record may show both statements.

The VICE PRESIDENT. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

E. I. DU PONT DE NEMOURS & Co.,  
Wilmington, Del., April 1, 1916.

HON. OSCAR W. UNDERWOOD,  
United States Senate, Washington, D. C.

MY DEAR SIR: After reading what you said in the Senate Thursday bearing on our nitric-acid proposition I have reached the conclusion that you do not understand the position of this company.

We regret to take exception to your statements on the floor that we had endeavored to influence Congressmen against the Muscle Shoals proposition. We have never in any way, either directly or through Mr. Cooper, who was especially mentioned, made any such endeavor, nor has it been our intention to do so.

We do not desire to keep the Government of the United States, or any individual or corporation, from building a plant for fixation of atmospheric nitrogen. Nor are we soliciting the business of manufacturing nitric acid for the Government.

The United States is to-day in a position never before known to any nation. Among the greatest, it is alone in a condition of peace. Magnificent in its financial and commercial development, power, and strength, it is weak to the despair of its citizens, be they rich or poor, in its preparedness against outside attack. Never has there been more willingness to do, coupled with less power for the doing, than now. Never has there been greater necessity for mutual faith and for cooperation. Let, then, each man bear his part of the burden as best he can in the cause of preparedness.

Those in charge of E. I. du Pont de Nemours & Co. have conceived it their duty in this crisis to be that of performance and not of influence. We, who of necessity must be prominent in military affairs, are not the unbiased judges of the question of preparedness, its character and extent. Whatever may be our personal conviction of the overwhelming advantages of peace to our large commercial business against the smaller advantages of war to our lesser military interest, we could not escape from the suspicion of our fellow men if we were to attempt to advise preparedness. These facts have led us to stand for absolute neutrality in this discussion. Those who are and feel themselves unbiased in this question must decide the amount and character of preparation. It is for us to take action under their decision.

The European war brought to our company calls for assistance that few organizations have been made to face. To the response that has been made we may refer with pardonable pride. In October, 1914, when the first demands for powder came from abroad, our company had capacity to manufacture military explosives amounting to 10,000,000 pounds per annum; of this capacity about 50 per cent had remained idle for five years owing to the activities in manufacture of our own Government. In fact this surplus capacity was about to be abandoned. To-day we are manufacturing at an output of 375,000,000 pounds per annum, and every pound of material necessary for this vast production finds its source in our own United States excepting one item alone, nitrate.

The possible failure of the Chilean nitrate beds, whose lifetime is measurable in a few decades, has long led consumers to think of other sources of supply. The formation of oxides of nitrogen and of nitric acid from the air through the electric discharge has been long known, but those who turned to that source of commercial supply met with long discouragement; though in recent years nitrates for use in fertilizers have been made commercially through the use of cheap water power, it was not until the year immediately preceding the European war that nitric acid was produced in quantity, quality, and cost to compete with that made from Chilean nitrate.